

By the Committee on Education Pre-K - 12; and Senators Thrasher, Gaetz, Detert, Wise, Constantine, Richter, Peaden, and Storms

581-02795-10

20106c1

1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.202, F.S.; authorizing the release of child abuse
4 records to certain employees and agents of the
5 Department of Education; amending s. 200.065, F.S.;
6 specifying the form of the public notice of proposed
7 property taxes for school districts instituting the
8 district accountability millage adjustment; amending
9 s. 447.403, F.S.; deleting a provision that provides
10 for an expedited impasse hearing for disputes
11 involving the Merit Award Program plan to conform to
12 changes made by the act; amending s. 1002.33, F.S.;
13 requiring a charter school to adopt a salary schedule
14 for instructional personnel and school-based
15 administrators which meets certain requirements;
16 providing that charter schools must meet certain
17 requirements for end-of-course assessments and certain
18 contracts; deleting a cross-reference to conform to
19 changes made by the act; requiring that the
20 Commissioner of Education review certain charter
21 schools for compliance with the requirements for a
22 salary schedule, assessments, and contracts; providing
23 for a fine to be assessed against a charter school
24 that is not in compliance; providing for deposit of
25 proceeds of the fine into the General Revenue Fund;
26 amending s. 1003.52, F.S.; deleting a cross-reference
27 to conform to changes made by the act; repealing s.
28 1003.62, F.S., relating to academic performance-based
29 charter school districts; amending s. 1003.621, F.S.;

581-02795-10

20106c1

30 providing additional requirements for personnel in
31 academically high-performing school districts;
32 repealing s. 1003.63, relating to the deregulated
33 public schools pilot program; amending s. 1004.04,
34 F.S.; revising the criteria for continued approval of
35 teacher preparation programs to include student
36 learning gains; deleting the waiver of admissions
37 criteria for certain students; deleting the criterion
38 relating to employer satisfaction; revising the
39 requirements for a teacher preparation program to
40 provide additional training to a graduate who fails to
41 demonstrate essential skills; deleting a provision
42 that requires state-approved teacher preparation
43 programs and public and private institutions offering
44 training for school-readiness-related professions to
45 report graduate satisfaction ratings; revising the
46 requirements for preservice field experience programs;
47 repealing s. 1004.04(11) and (12), F.S., relating to
48 the Preteacher and Teacher Education Pilot Programs
49 and the Teacher Education Pilot Programs for High-
50 Achieving Students; amending s. 1004.85, F.S.;
51 revising the requirements for individuals who
52 participate in programs at postsecondary educator
53 preparation institutes; revising the requirements for
54 approved alternative certification programs and
55 instructors; creating s. 1008.222, F.S.; requiring
56 school districts to develop and implement end-of-
57 course assessments; requiring a review of assessments
58 by the Commissioner of Education; amending s. 1009.40,

581-02795-10

20106c1

59 F.S.; deleting cross-references to conform to changes
60 made by the act; repealing s. 1009.54, F.S., relating
61 to the Critical Teacher Shortage Program; repealing s.
62 1009.57, F.S., relating to the Florida Teacher
63 Scholarship and Forgivable Loan Program; repealing s.
64 1009.58, F.S., relating to the Critical Teacher
65 Shortage Tuition Reimbursement Program; repealing s.
66 1009.59, F.S., relating to the Critical Teacher
67 Shortage Student Loan Forgiveness Program; amending s.
68 1009.94, F.S.; deleting cross-references to conform to
69 changes made by the act; creating s. 1011.626, F.S.;
70 providing legislative findings and intent; requiring
71 that each district school board submit its district-
72 adopted salary schedule, certain assessments, and
73 classroom teacher contracts to the Commissioner of
74 Education for review; requiring that the Commissioner
75 of Education determine compliance with the law;
76 requiring a review by the Auditor General of certain
77 contracts; requiring that the Commissioner of
78 Education notify school districts that fail to comply;
79 requiring that the commissioner certify a report to
80 the Governor and the Legislature by a specified date;
81 requiring that a school district levy an additional
82 millage if it fails to adopt a salary schedule,
83 provide for differentiated pay, adopt end-of-course
84 assessments, or meet contract requirements for
85 classroom teachers and school-based administrators;
86 requiring that the commissioner calculate the amount
87 of the additional millage; requiring that the

581-02795-10

20106c1

88 commissioner withhold funds from school districts in
89 an amount equal to the additional millage; providing
90 for the use of revenues generated from the additional
91 millage; requiring public notice of proposed property
92 taxes; specifying the contents of such notice;
93 requiring that the State Board of Education adopt
94 rules; amending s. 1011.69, F.S.; deleting a provision
95 that exempts academic performance-based charter school
96 districts from the Equity in School-Level Funding Act
97 to conform to changes made by the act; amending s.
98 1012.05, F.S.; revising the Department of Education's
99 responsibilities for teacher recruitment; amending s.
100 1012.07, F.S.; revising the methodology for
101 determining critical teacher shortage areas; deleting
102 cross-references to conform to changes made by the
103 act; amending s. 1012.22, F.S.; revising the powers
104 and duties of the district school board with respect
105 to school district compensation and salary schedules;
106 requiring that certain performance criteria be
107 included in the adopted schedules; revising the
108 differentiated pay provisions to require specified
109 percentages for awards; providing penalties; repealing
110 s. 1012.225, F.S., relating to the Merit Award Program
111 for Instructional Personnel and School-Based
112 Administrators; repealing s. 1012.2251, F.S., relating
113 to the end-of-course examinations for the Merit Award
114 Program; amending s. 1012.33, F.S.; revising
115 provisions relating to contracts with certain
116 educational personnel; requiring a district school

581-02795-10

20106c1

117 board's decision to retain personnel who have
118 continuing contracts or professional service contracts
119 to be primarily based on the employee's performance;
120 deleting requirements that school board decisions for
121 workforce reductions be based on collective bargaining
122 agreements; deleting requirements for district school
123 board rules for workforce reduction; creating s.
124 1012.335, F.S.; providing definitions; providing
125 employment criteria for newly hired classroom
126 teachers; providing grounds for termination; requiring
127 that the State Board of Education adopt rules defining
128 the term "just cause"; providing guidelines for such
129 term; amending s. 1012.34, F.S.; revising provisions
130 related to the appraisal of instructional personnel
131 and school-based administrators; requiring that the
132 Department of Education approve school district
133 appraisal instruments; requiring the Department of
134 Education to collect appraisal information from school
135 districts and to report such information to the
136 Governor and the Legislature; providing requirements
137 for appraisal systems; authorizing an employee to
138 request that a district school superintendent review
139 an unsatisfactory performance appraisal; conforming
140 provisions to changes made by the act; amending s.
141 1012.42, F.S.; prohibiting a district school board
142 from assigning a new teacher to teach reading,
143 science, or mathematics if he or she is not certified
144 in those subject areas; repealing s. 1012.52, F.S.,
145 relating to legislative intent for teacher quality;

581-02795-10

20106c1

146 amending s. 1012.56, F.S.; revising the certification
147 requirements for persons holding a valid professional
148 standard teaching certificate issued by another state;
149 providing additional means of demonstrating mastery of
150 professional preparation and education competence;
151 requiring that the State Board of Education review the
152 current subject area examinations and increase the
153 scores necessary for achieving certification;
154 authorizing the State Board of Education to adopt
155 rules to allow certain college credit to be used to
156 meet certification requirements; amending s. 1012.585,
157 F.S.; providing for future expiration of provisions
158 governing certification of teachers who hold national
159 certification; revising the renewal requirements for a
160 professional certificate; providing additional
161 requirements that must be met in order to renew the
162 certificate; requiring that the State Board of
163 Education adopt rules for the renewal of a certificate
164 held by a certificateholder who has not been evaluated
165 under s. 1012.34, F.S.; repealing s. 1012.72, F.S.,
166 relating to the Dale Hickam Excellent Teaching
167 Program; amending s. 1012.79, F.S.; revising the
168 composition of the Education Practices Commission;
169 conforming provisions to changes made by the act;
170 amending s. 1012.795, F.S.; conforming provisions to
171 changes made by the act; requiring that the Department
172 of Education submit a report on the cost-effectiveness
173 of teacher preparation programs to the Governor and
174 the Legislature by a specified date; specifying the

581-02795-10

20106c1

175 report requirements; requiring that the Office of
176 Program Policy Analysis and Government Accountability
177 submit recommendations to the Legislature relating to
178 changes in the criteria for the continued approval of
179 teacher preparation programs; providing for
180 severability; providing for application of specified
181 provisions of the act; providing effective dates.
182

183 Be It Enacted by the Legislature of the State of Florida:
184

185 Section 1. Paragraph (t) is added to subsection (2) of
186 section 39.202, Florida Statutes, to read:

187 39.202 Confidentiality of reports and records in cases of
188 child abuse or neglect.—

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

193 (t) Employees or agents of the Department of Education who
194 are responsible for the investigation or prosecution of
195 misconduct by certified educators.

196 Section 2. Paragraph (m) is added to subsection (3) of
197 section 200.065, Florida Statutes, to read:

198 200.065 Method of fixing millage.—

199 (3) The advertisement shall be no less than one-quarter
200 page in size of a standard size or a tabloid size newspaper, and
201 the headline in the advertisement shall be in a type no smaller
202 than 18 point. The advertisement shall not be placed in that
203 portion of the newspaper where legal notices and classified

581-02795-10

20106c1

204 advertisements appear. The advertisement shall be published in a
205 newspaper of general paid circulation in the county or in a
206 geographically limited insert of such newspaper. The geographic
207 boundaries in which such insert is circulated shall include the
208 geographic boundaries of the taxing authority. It is the
209 legislative intent that, whenever possible, the advertisement
210 appear in a newspaper that is published at least 5 days a week
211 unless the only newspaper in the county is published less than 5
212 days a week, or that the advertisement appear in a
213 geographically limited insert of such newspaper which insert is
214 published throughout the taxing authority's jurisdiction at
215 least twice each week. It is further the legislative intent that
216 the newspaper selected be one of general interest and readership
217 in the community and not one of limited subject matter, pursuant
218 to chapter 50.

219 (m) For school districts that have proposed a millage rate
220 pursuant to s. 1011.626 and propose to levy nonvoted millage,
221 the advertisement must be in the following form:

222
223 NOTICE OF PROPOSED TAX INCREASE

224
225 The ... (name of school district) ... will soon consider a
226 measure to increase its property tax levy. This increase is
227 necessary because the district school board violated the law and
228 failed to adopt a salary schedule that compensates classroom
229 teachers or school-based administrators on the basis of student
230 performance; violated the law and failed to comply with the
231 differentiated pay requirements; violated the law and failed to
232 adopt end-of-course assessments to identify student

581-02795-10

20106c1

233 instructional needs, verify what students have learned, or
 234 evaluate the performance of classroom teachers or school-based
 235 administrators; or violated the law and failed to comply with
 236 contracting requirements for classroom teachers. The district
 237 school board's share of state funds from the Florida Education
 238 Finance Program for ...(fiscal year)... will be reduced in an
 239 amount equivalent to the additional levy because the school
 240 district violated the law. The taxes proposed are \$XX,XXX,XXX
 241 for failure to comply with the following, as applicable:

242 Failure to adopt and implement a salary schedule for
 243 performance pay for classroom teachers and school-based
 244 administrators

245

246 Failure to adopt and implement a salary schedule that
 247 complies with differentiated pay requirements

248

249 Failure to adopt and implement end-of-course assessments to
 250 identify student instructional needs, verify what students have
 251 learned, or evaluate the performance of classroom teachers or
 252 school-based administrators

253

254 Failure to comply with contracting requirements for
 255 classroom teachers

256

257 All concerned citizens are invited to a public hearing on
 258 the tax increase to be held on ...(date and time)... at
 259 ...(meeting place)....

260 A DECISION on the proposed tax increase and the budget will
 261 be made at this hearing.

581-02795-10

20106c1

262 Section 3. Paragraph (c) of subsection (2) of section
263 447.403, Florida Statutes, is amended to read:

264 447.403 Resolution of impasses.-

265 (2)

266 ~~(c) If the district school board is the public employer and~~
267 ~~an impasse is declared under subsection (1) involving a dispute~~
268 ~~of a Merit Award Program plan under s. 1012.225, the dispute is~~
269 ~~subject to an expedited impasse hearing. Notwithstanding~~
270 ~~subsections (3), (4), and (5), and the rules adopted by the~~
271 ~~commission, the following procedures shall apply:~~

272 1.a. ~~The commission shall furnish the names of seven~~
273 ~~special magistrates within 5 days after receiving notice of~~
274 ~~impasse. If the parties are unable to agree upon a special~~
275 ~~magistrate within 5 days after the date of the letter~~
276 ~~transmitting the list of choices, the commission shall~~
277 ~~immediately appoint a special magistrate. The special magistrate~~
278 ~~shall set the hearing, which shall be held no later than 15 days~~
279 ~~after the date of appointment of the special magistrate. Within~~
280 ~~5 days after the date of appointment of a special magistrate,~~
281 ~~each party shall serve upon the special magistrate and upon each~~
282 ~~other party a written list of issues at impasse.~~

283 b. ~~At the close of the hearing, the parties shall summarize~~
284 ~~their arguments and may provide a written memorandum in support~~
285 ~~of their positions.~~

286 e. ~~Within 10 days after the close of the hearing, the~~
287 ~~special magistrate shall transmit a recommended decision to the~~
288 ~~commission and the parties.~~

289 d. ~~The recommended decision of the special magistrate shall~~
290 ~~be deemed accepted by the parties, except as to those~~

581-02795-10

20106c1

291 ~~recommendations that a party specifically rejects, by filing a~~
292 ~~written notice with the commission and serving a copy on the~~
293 ~~other party within 5 days after the date of the recommended~~
294 ~~decision.~~

295 ~~2. If a party rejects any part of the recommended decision~~
296 ~~of the special magistrate, the parties shall proceed directly to~~
297 ~~resolution of the impasse by the district school board pursuant~~
298 ~~to paragraph (4) (d).~~

299 Section 4. Paragraph (c) is added to subsection (16) of
300 section 1002.33, Florida Statutes, paragraph (a) of subsection
301 (20) of that section is amended, present subsection (26) of that
302 section is redesignated as subsection (27), and a new subsection
303 (26) is added to that section, to read:

304 1002.33 Charter schools.—

305 (16) EXEMPTION FROM STATUTES.—

306 (c) A charter school shall also comply with the following:

307 1. A charter school may not award a professional service
308 contract or similar contract to a classroom teacher hired on or
309 after July 1, 2010.

310 2. Beginning with the 2014-2015 school year and thereafter,
311 a charter school must adopt a salary schedule for classroom
312 teachers and school-based administrators which bases more than
313 50 percent of each employee's compensation on student learning
314 gains as measured by state assessments required under s.
315 1008.22; examinations in AP, IB, AICE, or a national industry
316 certification identified in the Industry Certified Funding List
317 adopted by rules of the State Board of Education; district
318 assessments for subject areas or grade levels as required under
319 s. 1008.222; or charter school assessments that meet the

581-02795-10

20106c1

320 requirements of s. 1008.222. A charter school may not use length
321 of service or degrees held by the classroom teacher or school-
322 based administrator as a factor in setting the salary schedule.

323 3. A charter school must adopt, acquire, and implement
324 state assessments or end-of-course assessments as described in
325 subparagraph 2. and meet the requirements of s. 1008.222 with
326 respect to district or charter assessments.

327 4. A charter school must maintain the security and
328 integrity of state or end-of-course assessments described in
329 subparagraph 2.

330 (20) SERVICES.—

331 (a) A sponsor shall provide certain administrative and
332 educational services to charter schools. These services shall
333 include contract management services; full-time equivalent and
334 data reporting services; exceptional student education
335 administration services; services related to eligibility and
336 reporting duties required to ensure that school lunch services
337 under the federal lunch program, consistent with the needs of
338 the charter school, are provided by the school district at the
339 request of the charter school, that any funds due to the charter
340 school under the federal lunch program be paid to the charter
341 school as soon as the charter school begins serving food under
342 the federal lunch program, and that the charter school is paid
343 at the same time and in the same manner under the federal lunch
344 program as other public schools serviced by the sponsor or the
345 school district; test administration services, including payment
346 of the costs of state-required or district-required student
347 assessments; processing of teacher certificate data services;
348 and information services, including equal access to student

581-02795-10

20106c1

349 information systems that are used by public schools in the
350 district in which the charter school is located. Student
351 performance data for each student in a charter school,
352 including, but not limited to, FCAT scores, standardized test
353 scores, previous public school student report cards, and student
354 performance measures, shall be provided by the sponsor to a
355 charter school in the same manner provided to other public
356 schools in the district. A total administrative fee for the
357 provision of such services shall be calculated based upon up to
358 5 percent of the available funds defined in paragraph (17) (b)
359 for all students. However, a sponsor may only withhold up to a
360 5-percent administrative fee for enrollment for up to and
361 including 500 students. For charter schools with a population of
362 501 or more students, the difference between the total
363 administrative fee calculation and the amount of the
364 administrative fee withheld may only be used for capital outlay
365 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
366 ~~receive 100 percent of the funds awarded to that school pursuant~~
367 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
368 additional fees or surcharges for administrative and educational
369 services in addition to the maximum 5-percent administrative fee
370 withheld pursuant to this paragraph.

371 (26) COMPLIANCE.—By September 15 of each year, each charter
372 school governing board shall certify to the Commissioner of
373 Education that its school meets the requirements in paragraph
374 (16) (c). The commissioner shall verify compliance with paragraph
375 (16) (c) by selecting a sample of charter schools each year to
376 provide information to determine compliance. On or before
377 October 1 of each year, a selected charter school must submit

581-02795-10

20106c1

378 the requested information to the commissioner. On or before
379 December 15 of each year, the commissioner shall complete a
380 review of each selected charter school for that school year,
381 determine compliance with paragraph (16)(c), and notify each
382 charter school governing board and sponsor if the charter school
383 is not in compliance with paragraph (16)(c). The commissioner
384 shall certify the charter schools that do not comply with
385 paragraph (16)(c) to the Governor, the President of the Senate,
386 and the Speaker of the House of Representative on or before
387 February 15 of each year. On or before May 1, each certified
388 charter school must pay a fine to the Department of Education in
389 an amount equal to 5 percent of the salaries of instructional
390 personnel and school-based administrators for the charter school
391 for that fiscal year as reported in the annual financial report
392 required by rule of the State Board of Education. The amount of
393 the fine may not be paid from funds appropriated by the
394 Legislature. The Department of Education shall transfer the
395 amount of the fine to the state for deposit into the General
396 Revenue Fund.

397 Section 5. Subsection (10) of section 1003.52, Florida
398 Statutes, is amended to read:

399 1003.52 Educational services in Department of Juvenile
400 Justice programs.—

401 (10) The district school board shall recruit and train
402 teachers who are interested, qualified, or experienced in
403 educating students in juvenile justice programs. Students in
404 juvenile justice programs shall be provided a wide range of
405 educational programs and opportunities including textbooks,
406 technology, instructional support, and other resources available

581-02795-10

20106c1

407 to students in public schools. Teachers assigned to educational
408 programs in juvenile justice settings in which the district
409 school board operates the educational program shall be selected
410 by the district school board in consultation with the director
411 of the juvenile justice facility. Educational programs in
412 juvenile justice facilities shall have access to the substitute
413 teacher pool utilized by the district school board. Full-time
414 teachers working in juvenile justice schools, whether employed
415 by a district school board or a provider, shall be eligible for
416 ~~the critical teacher shortage tuition reimbursement program as~~
417 ~~defined by s. 1009.58 and other~~ teacher recruitment and
418 retention programs.

419 Section 6. Section 1003.62, Florida Statutes, is repealed.

420 Section 7. Paragraphs (g) and (h) of subsection (2) of
421 section 1003.621, Florida Statutes, are amended to read:

422 1003.621 Academically high-performing school districts.—It
423 is the intent of the Legislature to recognize and reward school
424 districts that demonstrate the ability to consistently maintain
425 or improve their high-performing status. The purpose of this
426 section is to provide high-performing school districts with
427 flexibility in meeting the specific requirements in statute and
428 rules of the State Board of Education.

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

434 (g) Those statutes pertaining to planning and budgeting,
435 including s. 220.065(3)(m), relating to school district

581-02795-10

20106c1

436 accountability millage adjustment, and chapter 1011, except s.
 437 1011.62(9)(d), relating to the requirement for a comprehensive
 438 reading plan. A district that is exempt from submitting this
 439 plan shall be deemed approved to receive the research-based
 440 reading instruction allocation.

441 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 442 differentiated pay and performance-pay policies for school
 443 administrators and instructional personnel, and s. 1012.34,
 444 relating to appraisal procedures and criteria. Professional
 445 service contracts are subject to the provisions of s. ~~ss.~~
 446 1012.33 and 1012.34. Contracts with classroom teachers hired on
 447 or after July 1, 2010, are subject to s. 1012.335.

448 Section 8. Section 1003.63, Florida Statutes, is repealed.

449 Section 9. Paragraph (b) of subsection (4) and subsections
 450 (5) and (6) of section 1004.04, Florida Statutes, are amended to
 451 read:

452 1004.04 Public accountability and state approval for
 453 teacher preparation programs.—

454 (4) INITIAL STATE PROGRAM APPROVAL.—

455 (b) Each teacher preparation program approved by the
 456 Department of Education, as provided for by this section, shall
 457 require students to meet the following as prerequisites for
 458 admission into the program:

459 1. Have a grade point average of at least 2.5 on a 4.0
 460 scale for the general education component of undergraduate
 461 studies or have completed the requirements for a baccalaureate
 462 degree with a minimum grade point average of 2.5 on a 4.0 scale
 463 from any college or university accredited by a regional
 464 accrediting association as defined by State Board of Education

581-02795-10

20106c1

465 rule or any college or university otherwise approved pursuant to
466 State Board of Education rule.

467 2. Demonstrate mastery of general knowledge, including the
468 ability to read, write, and compute, by passing the General
469 Knowledge Test of the Florida Teacher Certification Examination,
470 the College Level Academic Skills Test, a corresponding
471 component of the National Teachers Examination series, or a
472 similar test pursuant to rules of the State Board of Education.

473

474 ~~Each teacher preparation program may waive these admissions~~
475 ~~requirements for up to 10 percent of the students admitted.~~
476 ~~Programs shall implement strategies to ensure that students~~
477 ~~admitted under a waiver receive assistance to demonstrate~~
478 ~~competencies to successfully meet requirements for~~
479 ~~certification.~~

480 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
481 (4), failure by a public or nonpublic teacher preparation
482 program to meet the criteria for continued program approval
483 shall result in loss of program approval. The Department of
484 Education, in collaboration with the departments and colleges of
485 education, shall develop procedures for continued program
486 approval that document the continuous improvement of program
487 processes and graduates' performance.

488 (a) Continued approval of specific teacher preparation
489 programs at each public and nonpublic postsecondary educational
490 institution within the state is contingent upon a determination
491 by the Department of Education of student learning gains, as
492 measured by state assessments required under s. 1008.22.

493 (b) ~~(a)~~ Continued approval of specific teacher preparation

581-02795-10

20106c1

494 programs at each public and nonpublic postsecondary educational
495 institution within the state is contingent upon the passing of
496 the written examination required by s. 1012.56 by at least 90
497 percent of the graduates of the program who take the
498 examination. The Department of Education shall annually provide
499 an analysis of the performance of the graduates of such
500 institution with respect to the competencies assessed by the
501 examination required by s. 1012.56.

502 (c) ~~(b)~~ Additional criteria for continued program approval
503 for public institutions may be approved by the State Board of
504 Education. Such criteria must emphasize instruction in classroom
505 management and must provide for the evaluation of the teacher
506 candidates' performance in this area. The criteria shall also
507 require instruction in working with underachieving students.
508 Program evaluation procedures must include, but are not limited
509 to, program graduates' satisfaction with instruction and the
510 program's responsiveness to local school districts. Additional
511 criteria for continued program approval for nonpublic
512 institutions shall be developed in the same manner as for public
513 institutions; however, such criteria must be based upon
514 significant, objective, and quantifiable graduate performance
515 measures. Responsibility for collecting data on outcome measures
516 through survey instruments and other appropriate means shall be
517 shared by the postsecondary educational institutions and the
518 Department of Education. By January 1 of each year, the
519 Department of Education shall report this information for each
520 postsecondary educational institution that has state-approved
521 programs of teacher education to the Governor, the State Board
522 of Education, the Board of Governors, the Commissioner of

581-02795-10

20106c1

523 Education, the President of the Senate, the Speaker of the House
524 of Representatives, all Florida postsecondary teacher
525 preparation programs, and interested members of the public. This
526 report must analyze the data and make recommendations for
527 improving teacher preparation programs in the state.

528 (d)~~(e)~~ Continued approval for a teacher preparation program
529 is contingent upon the results of periodic reviews, on a
530 schedule established by the State Board of Education, of the
531 program conducted by the postsecondary educational institution,
532 using procedures and criteria outlined in an institutional
533 program evaluation plan approved by the Department of Education,
534 which must include the program's review of and response to the
535 effect of its candidates and graduates on K-12 student learning.

536 This plan must also incorporate and respond to the criteria
537 established in paragraphs ~~(a) and~~ (b) and (c) and include
538 provisions for involving primary stakeholders, such as program
539 graduates, district school personnel, classroom teachers,
540 principals, community agencies, and business representatives in
541 the evaluation process. Upon request by an institution, the
542 department shall provide assistance in developing, enhancing, or
543 reviewing the institutional program evaluation plan and training
544 evaluation team members.

545 (e)~~(d)~~ Continued approval for a teacher preparation program
546 is contingent upon standards being in place that are designed to
547 adequately prepare elementary, middle, and high school teachers
548 to instruct their students in reading and higher-level
549 mathematics concepts and in the use of technology at the
550 appropriate grade level.

551 (f)~~(e)~~ Continued approval of teacher preparation programs

581-02795-10

20106c1

552 is contingent upon compliance with the student admission
553 requirements of subsection (4) ~~and upon the receipt of at least~~
554 ~~a satisfactory rating from public schools and private schools~~
555 ~~that employ graduates of the program.~~ Each teacher preparation
556 program shall guarantee the high quality of its graduates during
557 the first 2 years immediately following graduation from the
558 program or following the graduate's initial certification,
559 whichever occurs first. Any educator in a Florida school who
560 fails to demonstrate student learning gains ~~the essential skills~~
561 as specified in paragraph (a) subparagraphs 1.-5. shall be
562 provided additional training by the teacher preparation program
563 at no expense to the educator or the employer. Such training
564 must consist of an individualized plan agreed upon by the school
565 district and the postsecondary educational institution that
566 includes specific learning outcomes. The postsecondary
567 educational institution assumes no responsibility for the
568 educator's employment contract with the employer. ~~Employer~~
569 ~~satisfaction shall be determined by an annually administered~~
570 ~~survey instrument approved by the Department of Education that,~~
571 ~~at a minimum, must include employer satisfaction of the~~
572 ~~graduates' ability to do the following:~~

- 573 ~~1. Write and speak in a logical and understandable style~~
574 ~~with appropriate grammar.~~
- 575 ~~2. Recognize signs of students' difficulty with the reading~~
576 ~~and computational process and apply appropriate measures to~~
577 ~~improve students' reading and computational performance.~~
- 578 ~~3. Use and integrate appropriate technology in teaching and~~
579 ~~learning processes.~~
- 580 ~~4. Demonstrate knowledge and understanding of Sunshine~~

581-02795-10

20106c1

581 ~~State Standards.~~

582 ~~5. Maintain an orderly and disciplined classroom conducive~~
583 ~~to student learning.~~

584 (g) ~~(f)~~1. Each Florida public and private institution that
585 offers a state-approved teacher preparation program must
586 annually report information regarding these programs to the
587 state and the general public. This information shall be reported
588 in a uniform and comprehensible manner that is consistent with
589 definitions and methods approved by the Commissioner of the
590 National Center for Educational Statistics and that is approved
591 by the State Board of Education. This information must include,
592 at a minimum:

593 a. The percent of graduates obtaining full-time teaching
594 employment within the first year of graduation.

595 b. The average length of stay of graduates in their full-
596 time teaching positions.

597 c. The percentage of graduates whose students achieved
598 learning gains, as specified in paragraph (a). For purposes of
599 this paragraph, the information shall include the percentage of
600 the students taught per graduate who achieved learning gains.

601 ~~Satisfaction ratings required in paragraph (c).~~

602 2. Each public and private institution offering training
603 for school readiness related professions, including training in
604 the fields of child care and early childhood education, whether
605 offering career credit, associate in applied science degree
606 programs, associate in science degree programs, or associate in
607 arts degree programs, shall annually report information
608 regarding these programs to the state and the general public in
609 a uniform and comprehensible manner that conforms with

581-02795-10

20106c1

610 definitions and methods approved by the State Board of
611 Education. This information must include, at a minimum:

612 a. Average length of stay of graduates in their teaching
613 positions.

614 b. The percent of graduates obtaining full-time teaching
615 employment within the first year of graduation. ~~Satisfaction~~
616 ~~ratings of graduates' employers.~~

617

618 This information shall be reported through publications,
619 including college and university catalogs and promotional
620 materials sent to potential applicants, secondary school
621 guidance counselors, and prospective employers of the
622 institution's program graduates.

623 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary
624 instructors, school district personnel and instructional
625 personnel, and school sites preparing instructional personnel
626 through preservice field experience courses and internships
627 shall meet special requirements. District school boards are
628 authorized to pay student teachers during their internships.

629 (a) All instructors in postsecondary teacher preparation
630 programs who instruct or supervise preservice field experiences,
631 preservice ~~experience~~ courses, or internships shall have at
632 least one of the following: specialized training in clinical
633 supervision; a valid professional teaching certificate issued
634 under ~~pursuant to~~ ss. 1012.56 and 1012.585; or at least 3 years
635 of successful teaching experience in prekindergarten through
636 grade 12.

637 (b) All school district personnel and instructional
638 personnel who supervise or direct teacher preparation students

581-02795-10

20106c1

639 during field experience courses or internships must have
640 evidence of "clinical educator" training and must successfully
641 demonstrate effective classroom management strategies that
642 consistently result in improved student performance. The State
643 Board of Education shall approve the training requirements.

644 (c) Preservice field experience programs must provide for
645 continuous student participation in K-12 classroom settings with
646 supervised instruction of K-12 students. All preservice field
647 experience programs must provide specific guidance and
648 demonstration of effective classroom management strategies,
649 strategies for incorporating technology into classroom
650 instruction, strategies for incorporating scientifically
651 researched, knowledge-based reading literacy and computational
652 skills acquisition into classroom instruction, and ways to link
653 instructional plans to the Sunshine State Standards, as
654 appropriate. The length of structured field experiences may be
655 extended to ensure that candidates achieve the competencies
656 needed to meet certification requirements.

657 (d) Postsecondary teacher preparation programs, in
658 consultation ~~cooperation~~ with district school boards and
659 approved private school associations, shall select the school
660 sites for preservice field experience activities based on the
661 instructional skills of the instructor or supervisor with whom
662 the teaching candidate is placed, as demonstrated by the
663 instructor's or supervisor's sustained student learning gains as
664 specified in paragraph (5) (a). ~~These sites must represent the~~
665 ~~full spectrum of school communities, including, but not limited~~
666 ~~to, schools located in urban settings.~~ In order to be selected,
667 school sites must demonstrate commitment to the education of

581-02795-10

20106c1

668 public school students and to the preparation of future
669 teachers.

670 Section 10. Subsections (11) and (12) of section 1004.04,
671 Florida Statutes, are repealed.

672 Section 11. Paragraph (b) of subsection (3) and subsections
673 (4) and (5) of section 1004.85, Florida Statutes, are amended to
674 read:

675 1004.85 Postsecondary educator preparation institutes.—

676 (3) Educator preparation institutes approved pursuant to
677 this section may offer alternative certification programs
678 specifically designed for noneducation major baccalaureate
679 degree holders to enable program participants to meet the
680 educator certification requirements of s. 1012.56. Such programs
681 shall be competency-based educator certification preparation
682 programs that prepare educators through an alternative route. An
683 educator preparation institute choosing to offer an alternative
684 certification program pursuant to the provisions of this section
685 must implement a program previously approved by the Department
686 of Education for this purpose or a program developed by the
687 institute and approved by the department for this purpose.
688 Approved programs shall be available for use by other approved
689 educator preparation institutes.

690 (b) Each program participant must:

691 1. Meet certification requirements pursuant to s.
692 1012.56(1) and (2) by obtaining a statement of status of
693 eligibility prior to admission into the program which indicates
694 eligibility for a temporary certificate in a teaching subject
695 and meet the requirements of s. 1012.56(2) (a)-(f).

696 2. Participate in field experience that is appropriate to

581-02795-10

20106c1

697 his or her educational plan.

698 3. Demonstrate mastery of general knowledge by one of the
699 options provided in s. 1012.56(3) prior to completion of the
700 program.

701 ~~4.3.~~ Fully demonstrate his or her ability to teach the
702 subject area for which he or she is seeking certification
703 through field experiences and by achievement of a passing score
704 on the corresponding subject area test prior to completion of
705 the program and demonstrate mastery of professional preparation
706 and education competence by achievement of a passing score on
707 the professional education competency examination required by
708 state board rule prior to completion of the program.

709 (4) Each alternative certification program institute
710 approved pursuant to this section shall submit to the Department
711 of Education annual performance evaluations that measure the
712 effectiveness of the programs, including the pass rates of
713 participants on all examinations required for teacher
714 certification, employment rates, longitudinal retention rates,
715 and a review of the impact that participants who have completed
716 the program have on K-12 student learning and employer
717 ~~satisfaction surveys. The employer satisfaction surveys must be~~
718 ~~designed to measure the sufficient preparation of the educator~~
719 ~~to enter the classroom.~~ These evaluations and evidence of
720 student learning gains, as measured by state assessments
721 required under s. 1008.22, shall be used by the Department of
722 Education for purposes of continued approval of an educator
723 preparation institute's alternative certification program.

724 (5) Instructors for an alternative certification program
725 approved pursuant to this section must meet the requirements of

581-02795-10

20106c1

726 ~~s. 1004.04(6) possess a master's degree in education or a~~
727 ~~master's degree in an appropriate related field and document~~
728 ~~teaching experience.~~

729 Section 12. Section 1008.222, Florida Statutes, is created
730 to read:

731 1008.222 Development and implementation of end-of-course
732 assessments of certain subject areas and grade levels.-

733 (1) Each school district must develop or acquire a valid
734 and reliable end-of-course assessment for each subject area and
735 grade level not measured by state assessments required under s.
736 1008.22 or by examinations in AP, IB, AICE, or a national
737 industry certification identified in the Industry Certified
738 Funding List pursuant to rules adopted by the State Board of
739 Education. The content, knowledge, and skills assessed by end-
740 of-course assessments for each school district must be aligned
741 to the core curricular content established in the Sunshine State
742 Standards.

743 (2) (a) Beginning with the 2013-2014 school year, each
744 school district must require that each school in the district
745 administer the district's standard assessment for each subject
746 area or grade level, as described in subsection (1).

747 (b) Each district school superintendent must ensure that
748 teachers who provide instruction in the same subject or grade
749 level administer the same end-of-course assessment, as described
750 in subsection (1). Each school district must adopt policies to
751 ensure standardized administration and security of the
752 assessments.

753 (c) Each district school superintendent is responsible for
754 implementing standardized assessment security and

581-02795-10

20106c1

755 administration, the reporting of assessment results, and using
756 assessment results to comply with provisions of ss.
757 1012.22(1)(c) and 1012.34. The district school superintendent
758 shall certify to the Commissioner of Education that the security
759 of a standardized assessment required under this section is
760 maintained. If a district school superintendent's certification
761 is determined to be invalid through an audit by the Auditor
762 General or an investigation by the Department of Education, the
763 superintendent is subject to suspension and removal on the
764 grounds of misfeasance pursuant to s. 7, Art. IV of the State
765 Constitution.

766 (d) The Commissioner of Education shall identify methods to
767 assist and support districts in the development and acquisition
768 of assessments required under this section. Methods may include
769 the development of item banks, facilitation of the sharing of
770 developed tests among districts, and technical assistance in
771 best professional practices of test development based on state-
772 adopted curriculum standards, administration, and security.

773 Section 13. Paragraph (a) of subsection (1) of section
774 1009.40, Florida Statutes, is amended to read:

775 1009.40 General requirements for student eligibility for
776 state financial aid awards and tuition assistance grants.-

777 (1)(a) The general requirements for eligibility of students
778 for state financial aid awards and tuition assistance grants
779 consist of the following:

780 1. Achievement of the academic requirements of and
781 acceptance at a state university or community college; a nursing
782 diploma school approved by the Florida Board of Nursing; a
783 Florida college, university, or community college which is

581-02795-10

20106c1

784 accredited by an accrediting agency recognized by the State
785 Board of Education; any Florida institution the credits of which
786 are acceptable for transfer to state universities; any career
787 center; or any private career institution accredited by an
788 accrediting agency recognized by the State Board of Education.

789 2. Residency in this state for no less than 1 year
790 preceding the award of aid or a tuition assistance grant for a
791 program established pursuant to s. 1009.50, s. 1009.505, s.
792 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
793 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
794 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.
795 Residency in this state must be for purposes other than to
796 obtain an education. Resident status for purposes of receiving
797 state financial aid awards shall be determined in the same
798 manner as resident status for tuition purposes pursuant to s.
799 1009.21.

800 3. Submission of certification attesting to the accuracy,
801 completeness, and correctness of information provided to
802 demonstrate a student's eligibility to receive state financial
803 aid awards or tuition assistance grants. Falsification of such
804 information shall result in the denial of any pending
805 application and revocation of any award or grant currently held
806 to the extent that no further payments shall be made.
807 Additionally, students who knowingly make false statements in
808 order to receive state financial aid awards or tuition
809 assistance grants commit a misdemeanor of the second degree
810 subject to the provisions of s. 837.06 and shall be required to
811 return all state financial aid awards or tuition assistance
812 grants wrongfully obtained.

581-02795-10

20106c1

813 Section 14. Section 1009.54, Florida Statutes, is repealed.

814 Section 15. Section 1009.57, Florida Statutes, is repealed.

815 Section 16. Section 1009.58, Florida Statutes, is repealed.

816 Section 17. Section 1009.59, Florida Statutes, is repealed.

817 Section 18. Paragraph (c) of subsection (2) of section
818 1009.94, Florida Statutes, is amended to read:

819 1009.94 Student financial assistance database.—

820 (2) For purposes of this section, financial assistance
821 includes:

822 (c) Any financial assistance provided under s. 1009.50, s.
823 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
824 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
825 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
826 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

827 Section 19. Section 1011.626, Florida Statutes, is created
828 to read:

829 1011.626 School district accountability millage
830 adjustment.—

831 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
832 to ensure that every student has a high-quality teacher in his
833 or her classroom. The Legislature intends therefore, to provide
834 an additional levy of millage on school districts that fail to
835 comply with the laws described in this section in order to
836 increase student achievement, while withholding an amount
837 equivalent to the revenue generated by the levy of the
838 additional millage rate from the school district's state funds
839 in the Florida Education Finance Program for the fiscal year in
840 which the millage is levied.

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

581-02795-10

20106c1

842 (a) Quality classroom teachers and school-based
843 administrators are the single greatest indicators of student
844 achievement.

845 (b) A school district that fails to reward quality
846 classroom teachers or school-based administrators on the
847 performance of their students, and instead rewards these
848 individuals, in whole or in part, based on the number of years
849 worked or degrees held, has violated s. 1012.22(1)(c). A school
850 district's failure to comply with s. 1012.22(1)(c) fails to
851 maximize student learning by not providing the appropriate
852 incentives to attract and retain quality classroom teachers and
853 school-based administrators. As a result, students are penalized
854 for the acts or omissions of district school boards or district
855 school superintendents.

856 (c) A school district that fails to adopt and implement
857 assessments that comply with s. 1008.222 frustrates the purpose
858 of ensuring that each student has a high-quality teacher in his
859 or her classroom by preventing the determination of the quality
860 of a classroom teacher or school-based administrator's
861 performance.

862 (d) A school district that fails to comply with s. 1012.335
863 frustrates the purpose of ensuring that each student has a high-
864 quality teacher in his or her classroom by preventing the school
865 district from promptly removing a poor-performing classroom
866 teacher from the classroom and employment.

867 (3) REVIEW.—

868 (a) Beginning with the 2014-2015 fiscal year and
869 thereafter, each district school board must submit the district-
870 adopted salary schedule for the school year and supporting

581-02795-10

20106c1

871 documentation to the Commissioner of Education for review on or
872 before October 1 of each year. On or before December 15 of each
873 year, the commissioner shall complete a review of each salary
874 schedule submitted for that school year, determine compliance
875 with s. 1012.22(1)(c), and notify a district school board if the
876 district salary schedule fails to meet the requirements in s.
877 1012.22(1)(c). The commissioner shall certify those school
878 districts that do not comply with s. 1012.22(1)(c) to the
879 Governor, the President of the Senate, and the Speaker of the
880 House of Representatives on or before February 15 of each year.

881 (b) Beginning with the 2013-2014 fiscal year and
882 thereafter, the Commissioner of Education shall select a
883 sampling of school district assessments from multiple districts,
884 and school districts must submit for review the requested
885 assessments and supporting documentation on or before October 1
886 of each year. A school district that fails to provide the
887 requested assessment to the commissioner on or before October 1
888 of each year is in violation of s. 1008.222. On or before
889 December 15 of each year, the commissioner shall complete a
890 review of each selected assessment, determine compliance with s.
891 1008.222, and notify a district school board if the selected
892 assessment fails to meet the requirements in s. 1008.222. The
893 commissioner shall certify those school districts that do not
894 comply with s. 1008.222 to the Governor, the President of the
895 Senate, and the Speaker of the House of Representatives on or
896 before February 15 of each year.

897 (c) In its financial audit of each school district, the
898 Auditor General shall review a sample of classroom teacher
899 contracts and determine compliance with s. 1012.335. The Auditor

581-02795-10

20106c1

900 General shall document violations of s. 1012.335 and provide the
901 documentation to the Commissioner of Education on or before
902 October 1 of each year following the audit. On or before
903 December 15 of each year, the commissioner shall notify the
904 Governor, the President of the Senate, the Speaker of the House
905 of Representatives, and each school district identified in the
906 audit that has not complied with s. 1012.335.

907 (4) FAILURE REQUIRING ADDITIONAL MILLAGE.—A district school
908 board that is certified by the Commissioner of Education as not
909 in compliance with the law as described in subsection (3) must
910 levy an additional millage in order to generate revenue in an
911 amount equal to 5 percent of the salaries for instructional
912 personnel and school-based administrators for that fiscal year,
913 as reported in the annual financial report required by rule of
914 the State Board of Education. A local resolution, ordinance, or
915 referendum is not required to implement this levy.

916 (5) CALCULATION OF MILLAGE RATE.—

917 (a) On or before March 1 of each year, the Commissioner of
918 Education shall, for each district school board that the
919 commissioner certifies is not in compliance with the law as
920 described in subsection (3), calculate and certify to the
921 district school board the dollar amount that is equal to 5
922 percent of the salary of the district's instructional personnel
923 and school-based administrators for the year of noncompliance,
924 as described in subsection (4).

925 (b) The commissioner shall certify to each district school
926 board the additional local effort that the board must levy in
927 order to generate the amount of revenue certified pursuant to
928 paragraph (a). The additional local effort shall be certified at

581-02795-10

20106c1

929 the same time as the required local effort is certified and the
930 additional required local effort shall be levied at the same
931 time as the required local effort is levied. The additional
932 local effort is exempt from the 90 percent calculation of the
933 total Florida Education Finance Program entitlement under s.
934 1011.62(4)(a)1.b. The commissioner shall report the calculated
935 amount that is equal to 5 percent of the salaries for
936 instructional personnel and school-based administrators for each
937 fiscal year to the Governor, the President of the Senate, and
938 the Speaker of the House of Representatives on or before March 1
939 of each year.

940 (6) WITHHOLDING OF STATE FUNDS.—For each school district
941 that is certified as being in violation of law, as described in
942 subsection (3), and that is required to levy an additional local
943 effort, as described in subsection (4), the Commissioner of
944 Education shall withhold an amount equivalent to the revenue
945 generated by the levy of the additional local effort from the
946 school district's state funds in the Florida Education Finance
947 Program for the fiscal year in which the millage is levied.

948 (7) USE OF ADDITIONAL MILLAGE.—The revenue generated by the
949 levy of the additional millage under this section may be used
950 only to compensate for the loss of state funding caused by the
951 failure of the school district to comply with the law as
952 described in subsection (3).

953 (8) PUBLIC NOTICE.—

954 (a) The school board's notice of proposed property taxes
955 must meet the requirements in s. 200.065(3)(m).

956 (b) The district school board must include in the notice of
957 public hearing to adopt its annual budget that it violated the

581-02795-10

20106c1

958 law and failed to adopt a salary schedule that compensates
959 classroom teachers or school-based administrators on the basis
960 of student performance; violated the law and failed to comply
961 with the differentiated pay requirements; violated the law and
962 failed to adopt end-of-course assessments to identify student
963 instructional needs, verify what students have learned, or
964 evaluate the performance of classroom teachers or school-based
965 administrators; or violated the law and failed to comply with
966 contracting requirements for classroom teachers, and that the
967 district school board is required to levy an additional rate to
968 compensate for its failure. The district school board must also
969 provide notice at its public hearing that the school district's
970 share of state funds from the Florida Education Finance Program
971 will be reduced in an amount equivalent to the additional levy.

972 (9) RULEMAKING.—The State Board of Education shall adopt
973 rules pursuant to ss. 120.536(1) and 120.54 to administer this
974 section, including rules related to the reporting formats,
975 supporting documentation, and procedures for the review as
976 described in subsection (3).

977 Section 20. Subsection (2) of section 1011.69, Florida
978 Statutes, is amended to read:

979 1011.69 Equity in School-Level Funding Act.—

980 (2) Beginning in the 2003-2004 fiscal year, district school
981 boards shall allocate to schools within the district an average
982 of 90 percent of the funds generated by all schools and
983 guarantee that each school receives at least 80 percent of the
984 funds generated by that school based upon the Florida Education
985 Finance Program as provided in s. 1011.62 and the General
986 Appropriations Act, including gross state and local funds,

581-02795-10

20106c1

987 discretionary lottery funds, and funds from the school
988 district's current operating discretionary millage levy. Total
989 funding for each school shall be recalculated during the year to
990 reflect the revised calculations under the Florida Education
991 Finance Program by the state and the actual weighted full-time
992 equivalent students reported by the school during the full-time
993 equivalent student survey periods designated by the Commissioner
994 of Education. If the district school board is providing programs
995 or services to students funded by federal funds, any eligible
996 students enrolled in the schools in the district shall be
997 provided federal funds. ~~Only academic performance-based charter~~
998 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
999 ~~provisions of this section.~~

1000 Section 21. Subsection (4) of section 1012.05, Florida
1001 Statutes, is amended to read:

1002 1012.05 Teacher recruitment and retention.—

1003 (4) The Department of Education, in cooperation with
1004 district personnel offices, may shall sponsor virtual job fairs
1005 ~~a job fair in a central part of the state to match high-quality,~~
1006 ~~in-state educators and potential educators~~ and out-of-state
1007 educators and potential educators with teaching opportunities in
1008 this state. The Department of Education is authorized to collect
1009 a job fair registration fee not to exceed \$20 ~~per person and a~~
1010 ~~booth fee not to exceed~~ \$250 per school district or other
1011 interested participating organization. The revenue from the fees
1012 shall be used to promote and operate the job fair. Funds may be
1013 used to purchase promotional items ~~such as mementos, awards, and~~
1014 ~~plaques.~~

1015 Section 22. Section 1012.07, Florida Statutes, is amended

581-02795-10

20106c1

1016 to read:

1017 1012.07 Identification of critical teacher shortage areas.-

1018 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~
1019 "critical teacher shortage area" means high-need content areas
1020 ~~applies to mathematics, science, career education, and high-~~
1021 priority high priority location areas identified by. the State
1022 Board of Education ~~may identify career education programs having~~
1023 ~~critical teacher shortages.~~ The State Board of Education shall
1024 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
1025 annually identify ~~other~~ critical teacher shortage areas ~~and high~~
1026 ~~priority location areas.~~ The state board must ~~shall also~~
1027 consider current and emerging educational requirements and
1028 workforce demands ~~teacher characteristics such as ethnic~~
1029 ~~background, race, and sex~~ in determining critical teacher
1030 shortage areas. School grade levels may also be designated
1031 critical teacher shortage areas. Individual district school
1032 boards may identify and submit other critical teacher shortage
1033 areas. Such submissions ~~shortages~~ must be aligned to current and
1034 emerging educational requirements and workforce demands in order
1035 to be certified to ~~and~~ approved by the State Board of Education.
1036 High-priority ~~High priority~~ location areas shall be in high-
1037 density, low-economic urban schools, and low-density, low-
1038 economic rural schools, and schools identified as lowest
1039 performing under s. 1008.33(4)(b) ~~shall include schools which~~
1040 ~~meet criteria which include, but are not limited to, the~~
1041 ~~percentage of free lunches, the percentage of students under~~
1042 ~~Chapter I of the Education Consolidation and Improvement Act of~~
1043 ~~1981, and the faculty attrition rate.~~

1044 ~~(2) This section shall be implemented only to the extent as~~

581-02795-10

20106c1

1045 ~~specifically funded and authorized by law.~~

1046 Section 23. Effective July 1, 2014, paragraph (c) of
1047 subsection (1) of section 1012.22, Florida Statutes, is amended
1048 to read:

1049 1012.22 Public school personnel; powers and duties of the
1050 district school board.—The district school board shall:

1051 (1) Designate positions to be filled, prescribe
1052 qualifications for those positions, and provide for the
1053 appointment, compensation, promotion, suspension, and dismissal
1054 of employees as follows, subject to the requirements of this
1055 chapter:

1056 (c) *Compensation and salary schedules.*—

1057 1. Except as provided in subparagraphs 2., 4., and 5., the
1058 district school board shall adopt a salary schedule that
1059 compensates employees based on their performance. The district
1060 school board shall adopt a salary schedule or salary schedules
1061 designed to furnish incentives for improvement in training and
1062 for continued efficient service to be used as a basis for paying
1063 all school employees and fix and authorize the compensation of
1064 school employees on the basis thereof.

1065 2. A district school board, in determining the salary
1066 schedule for instructional personnel and school-based
1067 administrators, must base more than 50 percent ~~a portion~~ of each
1068 employee's compensation on student learning gains, as
1069 established by rule of the State Board of Education and as
1070 described in s. 1012.34(3)(a)1. for instructional personnel and
1071 s. 1012.34(3)(a)3. for school-based administrators. The
1072 remainder of each employee's compensation shall be based on
1073 performance demonstrated under s. 1012.34(3)(a)2. for

581-02795-10

20106c1

1074 instructional personnel and s. 1012.34(3)(a)4. for school-based
1075 administrators s. 1012.34, must consider the prior teaching
1076 experience of a person who has been designated state teacher of
1077 the year by any state in the United States, and must consider
1078 prior professional experience in the field of education gained
1079 in positions in addition to district level instructional and
1080 administrative positions.

1081 3. In developing the salary schedule, the district school
1082 board shall seek input from parents, teachers, and
1083 representatives of the business community.

1084 4. ~~Beginning with the 2007-2008 academic year,~~ Each
1085 district school board shall adopt a salary schedule with
1086 differentiated pay for both instructional personnel and school-
1087 based administrators. The salary schedule ~~is subject to~~
1088 ~~negotiation as provided in chapter 447 and~~ must allow
1089 differentiated pay based on the following:

1090 a. Assignment to a school in a high-priority location area,
1091 as defined in State Board of Education rule, with continued
1092 differentiated pay contingent upon documentation of student
1093 learning gains as described in subparagraph 2.;

1094 b. Certification and teaching in critical teacher shortage
1095 areas, as defined in State Board of Education rule, with
1096 continued differentiated pay contingent upon documentation of
1097 student learning gains as described in subparagraph 2.; and

1098 c. Assignment of additional academic responsibilities, with
1099 continued differentiated pay contingent upon documentation of
1100 student learning gains as described in subparagraph 2.

1101 5. A district school board shall adopt a salary schedule
1102 for the following:

581-02795-10

20106c1

1103 a. A beginning teacher. For purposes of this subparagraph,
1104 a beginning teacher is a classroom teacher as defined in s.
1105 1012.01(2)(a) who has no prior K-12 teaching experience.

1106 b. A teacher who holds a valid professional standard
1107 certificate issued by another state and who is hired by the
1108 district school board.

1109 c. A teacher who holds a valid professional certificate
1110 issued pursuant to s. 1012.56, who has not taught in the
1111 classroom at any time during the previous certification period,
1112 and who is hired by the district school board.

1113
1114 The salary schedule in subparagraph 5. shall be in effect for
1115 the first year that the teacher provides instruction in a
1116 Florida K-12 classroom. Thereafter, the teacher is subject to
1117 the salary schedule adopted pursuant to subparagraph 2. A
1118 district school board may not use length of service or degrees
1119 held as a factor in setting a salary schedule. ~~district-~~
1120 ~~determined factors, including, but not limited to, additional~~
1121 ~~responsibilities, school demographics, critical shortage areas,~~
1122 ~~and level of job performance difficulties.~~

1123 Section 24. Section 1012.225, Florida Statutes, is
1124 repealed.

1125 Section 25. Section 1012.2251, Florida Statutes, is
1126 repealed.

1127 Section 26. Subsection (5) of section 1012.33, Florida
1128 Statutes, is amended to read:

1129 1012.33 Contracts with instructional staff, supervisors,
1130 and school principals.-

1131 (5) Should a district school board have to choose from

581-02795-10

20106c1

1132 among its personnel who are on continuing contracts or
1133 professional service contracts as to which should be retained,
1134 such decisions shall be based primarily upon the employee's
1135 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
1136 ~~of a collectively bargained agreement, when one exists. If no~~
1137 ~~such agreement exists, the district school board shall prescribe~~
1138 ~~rules to handle reductions in workforce.~~

1139 Section 27. Section 1012.335, Florida Statutes, is created
1140 to read:

1141 1012.335 Contracts with classroom teachers hired on or
1142 after July 1, 2010.-

1143 (1) DEFINITIONS.-As used in this section, the term:

1144 (a) "Annual contract" means a contract for a period of no
1145 longer than 1 school year in which the district school board may
1146 choose to renew or not renew without cause.

1147 (b) "Classroom teacher" means a classroom teacher as
1148 defined in s. 1012.01(2)(a), excluding substitute teachers.

1149 (c) "Probationary contract" means a contract for a period
1150 of no longer than 1 school year during which a classroom teacher
1151 may be dismissed without cause or may resign from the
1152 contractual position without breach of contract.

1153 (2) EMPLOYMENT.-

1154 (a) Beginning July 1, 2010, each person newly hired as a
1155 classroom teacher by a school district shall receive a
1156 probationary contract.

1157 (b) A classroom teacher may receive up to four annual
1158 contracts in a school district in this state if the teacher:

1159 1. Holds a professional certificate as prescribed by s.
1160 1012.56 and in the rules of the State Board of Education; and

581-02795-10

20106c1

1161 2. Has been recommended by the district school
1162 superintendent for the annual contract and approved by the
1163 district school board.

1164 (c) A classroom teacher may not receive an annual contract
1165 for the 6th year of teaching and thereafter unless the classroom
1166 teacher:

1167 1. Holds a professional certificate as prescribed by s.
1168 1012.56 and in the rules of the State Board of Education;

1169 2. Has been recommended by the district school
1170 superintendent for the annual contract and approved by the
1171 district school board; and

1172 3. Has received an effective or highly effective
1173 designation on his or her appraisal pursuant to s. 1012.34 in at
1174 least 2 of the 3 preceding years for each year an annual
1175 contract is sought.

1176 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
1177 CONTRACT.—A classroom teacher who has an annual contract may be
1178 suspended or dismissed at any time during the term of the
1179 contract for just cause as provided in subsection (4). The
1180 district school board must notify a classroom teacher in writing
1181 whenever charges are made against the classroom teacher, and the
1182 district school board may suspend him or her without pay.

1183 However, if the charges are not sustained, the classroom teacher
1184 shall be immediately reinstated and his or her back pay shall be
1185 paid.

1186 (4) JUST CAUSE.—The State Board of Education shall adopt
1187 rules to define the term "just cause." Just cause includes, but
1188 is not limited to:

1189 (a) Immorality.

581-02795-10

20106c1

- 1190 (b) Misconduct in office.
 1191 (c) Incompetency.
 1192 (d) Gross insubordination.
 1193 (e) Willful neglect of duty.
 1194 (f) Being convicted or found guilty of, or entering a plea
 1195 of guilty to, regardless of adjudication of guilt, any crime
 1196 involving moral turpitude.

- 1197 (g) Poor performance as demonstrated by a lack of student
 1198 learning gains, as specified in s. 1012.34.

1199 Section 28. Section 1012.34, Florida Statutes, is amended
 1200 to read:

1201 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1202 (1) For the purpose of increasing student achievement by
 1203 improving the quality of instructional, administrative, and
 1204 supervisory services in the public schools of the state, the
 1205 district school superintendent shall establish procedures for
 1206 evaluating ~~assessing~~ the performance of duties and
 1207 responsibilities of all instructional, administrative, and
 1208 supervisory personnel employed by the school district. The
 1209 Department of Education must approve each district's
 1210 instructional personnel appraisal ~~assessment~~ system and
 1211 appraisal instruments. The Department of Education must approve
 1212 each school-based administrator appraisal system and appraisal
 1213 instruments. The department shall collect from each school
 1214 district the annual performance ratings of all instructional and
 1215 school-based administrative personnel and report the percentage
 1216 of each of these employees receiving each rating category by
 1217 school and by district to the Governor, the President of the
 1218 Senate, and the Speaker of the House of Representatives.

581-02795-10

20106c1

1219 (2) The following conditions must be considered in the
1220 design of the district's instructional personnel appraisal
1221 ~~assessment~~ system:

1222 (a) The system must be designed to support high-quality
1223 instruction and increased academic achievement ~~district and~~
1224 ~~school level improvement plans.~~

1225 (b) The system must provide appropriate appraisal
1226 instruments, procedures, and criteria for continuous quality
1227 improvement of the professional skills of instructional
1228 personnel.

1229 (c) The system must include a mechanism to examine
1230 performance data from multiple sources, which includes giving
1231 ~~give~~ parents an opportunity to provide input into employee
1232 performance appraisals ~~assessments when appropriate.~~

1233 (d) In addition to addressing generic teaching
1234 competencies, districts must determine those teaching fields for
1235 which special procedures and criteria will be developed.

1236 (e) Each district school board may establish a peer
1237 assistance process. The plan may provide a mechanism for
1238 assistance of persons who are placed on performance probation as
1239 well as offer assistance to other employees who request it.

1240 (f) Each ~~The~~ district school board shall provide training
1241 programs that are based upon guidelines provided by the
1242 Department of Education to ensure that all individuals with
1243 evaluation responsibilities understand the proper use of the
1244 appraisal ~~assessment~~ criteria and procedures.

1245 (g) The system must differentiate among four levels of
1246 performance: unsatisfactory, needs improvement, effective, and
1247 highly effective. The Commissioner of Education shall consult

581-02795-10

20106c1

1248 with performance pay experts and classroom teachers in
1249 developing the performance levels. Beginning with the 2014-2015
1250 school year and thereafter, instructional personnel and school-
1251 based administrators may not be rated as effective or highly
1252 effective if their students fail to demonstrate learning gains.

1253 (h) The system must include a process for monitoring the
1254 effective and consistent use of appraisal criteria by
1255 supervisors and administrators and a process for evaluating the
1256 effectiveness of the system itself in improving the level of
1257 instruction and learning in the district's schools.

1258 (3) The appraisal ~~assessment~~ procedure for instructional
1259 personnel and school administrators must be ~~primarily~~ based on
1260 the performance of students assigned to their classrooms or
1261 schools, as described in paragraph (a) ~~appropriate~~. ~~Pursuant to~~
1262 ~~this section,~~ A school district's performance appraisal
1263 ~~assessment~~ is not limited to basing unsatisfactory performance
1264 of instructional personnel and school administrators upon
1265 student performance, but may include other criteria approved to
1266 evaluate ~~assess~~ instructional personnel and school
1267 administrators' performance, or any combination of student
1268 performance and other approved criteria. The procedures must
1269 comply with, but are not limited to, the following requirements:

1270 (a) An appraisal ~~assessment~~ must be conducted for each
1271 employee at least once a year, except that an appraisal for each
1272 teacher, as described in s. 1012.22(1)(c)5., must be conducted
1273 at least twice a year. ~~The assessment must be based upon sound~~
1274 ~~educational principles and contemporary research in effective~~
1275 ~~educational practices. The assessment must primarily use data~~
1276 ~~and indicators of improvement in student performance assessed~~

581-02795-10

20106c1

1277 ~~annually as specified in s. 1008.22 and may consider results of~~
1278 ~~peer reviews in evaluating the employee's performance. Student~~
1279 ~~performance must be measured by state assessments required under~~
1280 ~~s. 1008.22 and by local assessments for subjects and grade~~
1281 ~~levels not measured by the state assessment program. The~~
1282 appraisal ~~assessment~~ criteria must include, but are not limited
1283 to, indicators that relate to the following:

1284 1. Performance of students.

1285 a. Beginning with the 2014-2015 school year and thereafter,
1286 for the classroom teacher, the learning gains of students
1287 assigned to the teacher must comprise more than 50 percent of
1288 the determination of the classroom teacher's performance.
1289 Beginning with the 2014-2015 school year and thereafter, for
1290 instructional personnel, who are not classroom teachers, the
1291 learning gains of students assigned to the school must comprise
1292 more than 50 percent of the determination of the individual's
1293 performance. A school district may use the learning gains of
1294 students assigned to the classroom teacher for the preceding 3
1295 years, or, for instructional personnel who are not classroom
1296 teachers, the learning gains of students assigned to the school
1297 for the preceding 3 years, to determine the individual's
1298 performance. For purposes of this sub-subparagraph, "school"
1299 means the school to which the instructional personnel, who is
1300 not a classroom teacher, was assigned for the last 3 years.
1301 Student learning gains are measured by state assessments
1302 required under s. 1008.22, examinations in AP, IB, AICE, or a
1303 national industry certification identified in the Industry
1304 Certified Funding List pursuant to rules adopted by the State
1305 Board of Education, or district assessments for subject areas

581-02795-10

20106c1

1306 and grade levels as required under s. 1008.222.

1307 b. For instructional personnel, more than 50 percent of the
1308 determination of the individual's performance must be based on
1309 the performance of students assigned to their classrooms or
1310 schools, as appropriate. Student performance must be measured by
1311 state assessments required under s. 1008.22 and by local
1312 assessments for subjects and grade levels not measured by the
1313 state assessment program. This sub-subparagraph expires July 1,
1314 2014.

1315 2. Instructional practice. For instructional personnel,
1316 performance criteria must be based on the Florida Educator
1317 Accomplished Practices adopted by the State Board of Education
1318 by rule, which include:

1319 a. Ability to maintain appropriate discipline.

1320 ~~b.3. Knowledge of subject matter. The district school board~~
1321 ~~shall make special provisions for evaluating teachers who are~~
1322 ~~assigned to teach out of field.~~

1323 ~~c.4. Ability to plan and deliver effective instruction and~~
1324 ~~the effective use of technology in the classroom.~~

1325 ~~d.5. Ability to use assessment data and other evidence of~~
1326 ~~student learning to design and implement differentiated~~
1327 ~~instructional strategies in order to meet individual student~~
1328 ~~needs for remediation or acceleration evaluate instructional~~
1329 ~~needs.~~

1330 ~~e.6. Ability to establish and maintain a positive~~
1331 ~~collaborative relationship with students' families to increase~~
1332 ~~student achievement.~~

1333 ~~f.7. Other professional competencies, responsibilities, and~~
1334 ~~requirements as established by rules of the State Board of~~

581-02795-10

20106c1

1335 Education and policies of the district school board.

1336 3. Instructional leadership performance.

1337 a. Beginning with the 2014-2015 school year and thereafter,
1338 for a school-based administrator, the learning gains of students
1339 assigned to the school must comprise more than 50 percent of the
1340 determination of the school-based administrator's performance. A
1341 school district may use the learning gains of students assigned
1342 to the school for the preceding 3 years to determine the school-
1343 based administrator's performance. For purposes of this sub-
1344 subparagraph, "school" means the school to which the
1345 administrator was assigned for the last 3 years. Student
1346 learning gains are measured by state assessments required under
1347 s. 1008.22, examinations in AP, IB, AICE, or a national industry
1348 certification identified in the Industry Certified Funding List
1349 pursuant to rules adopted by the State Board of Education, or
1350 district assessments for subject areas and grade levels as
1351 required under s. 1008.222.

1352 b. For school-based administrators, more than 50 percent of
1353 the determination of the individual's performance must be based
1354 on the performance of students assigned to their schools.
1355 Student performance must be measured by state assessments
1356 required under s. 1008.22 and by local assessments for subjects
1357 and grade levels not measured by the state assessment program.
1358 This sub-subparagraph expires July 1, 2014.

1359 4. Instructional leadership practice. For a school-based
1360 administrator, performance criteria must be based on the Florida
1361 Principal Leadership Standards adopted by the State Board of
1362 Education under s. 1012.986, which includes the ability to:

1363 a. Manage human, financial, and material resources so as to

581-02795-10

20106c1

1364 maximize the share of resources used for direct instruction, as
1365 opposed to overhead or other purposes; and

1366 b. Recruit and retain high-performing teachers.

1367 (b) All personnel must be fully informed of the criteria
1368 and procedures associated with the appraisal ~~assessment~~ process
1369 before the appraisal ~~assessment~~ takes place.

1370 (c) The individual responsible for supervising the employee
1371 must evaluate ~~assess~~ the employee's performance. The evaluator
1372 must submit a written report of the appraisal ~~assessment~~ to the
1373 district school superintendent for the purpose of reviewing the
1374 employee's contract. The evaluator must submit the written
1375 report to the employee no later than 10 days after the appraisal
1376 ~~assessment~~ takes place. The evaluator must discuss the written
1377 report of the appraisal ~~assessment~~ with the employee. The
1378 employee shall have the right to initiate a written response to
1379 the appraisal ~~assessment~~, and the response shall become a
1380 permanent attachment to his or her personnel file.

1381 (d) If an employee is not performing his or her duties in a
1382 satisfactory manner, the evaluator shall notify the employee in
1383 writing of such determination. The notice must describe such
1384 unsatisfactory performance and include notice of the following
1385 procedural requirements:

1386 1. Upon delivery of a notice of unsatisfactory performance,
1387 the evaluator must confer with the employee, make
1388 recommendations with respect to specific areas of unsatisfactory
1389 performance, and provide assistance in helping to correct
1390 deficiencies within a prescribed period of time.

1391 2.a. If the employee holds an annual contract as provided
1392 in s. 1012.335, and receives an unsatisfactory performance

581-02795-10

20106c1

1393 appraisal pursuant to the criteria in subparagraph (a)2., the
1394 employee may request a review of the appraisal by the district
1395 school superintendent or his or her designee. The district
1396 school superintendent may review the employee's appraisal.

1397 b. If the employee holds a professional service contract as
1398 provided in s. 1012.33, the employee shall be placed on
1399 performance probation and governed by the provisions of this
1400 section for 90 calendar days following the receipt of the notice
1401 of unsatisfactory performance to demonstrate corrective action.
1402 School holidays and school vacation periods are not counted when
1403 calculating the 90-calendar-day period. During the 90 calendar
1404 days, the employee who holds a professional service contract
1405 must be evaluated periodically and apprised of progress achieved
1406 and must be provided assistance and inservice training
1407 opportunities to help correct the noted performance
1408 deficiencies. At any time during the 90 calendar days, the
1409 employee who holds a professional service contract may request a
1410 transfer to another appropriate position with a different
1411 supervising administrator; however, a transfer does not extend
1412 the period for correcting performance deficiencies.

1413 c.~~b.~~ Within 14 days after the close of the 90 calendar
1414 days, the evaluator must evaluate ~~assess~~ whether the performance
1415 deficiencies have been corrected and forward a recommendation to
1416 the district school superintendent. Within 14 days after
1417 receiving the evaluator's recommendation, the district school
1418 superintendent must notify the employee who holds a professional
1419 service contract in writing whether the performance deficiencies
1420 have been satisfactorily corrected and whether the district
1421 school superintendent will recommend that the district school

581-02795-10

20106c1

1422 board continue or terminate his or her employment contract. If
1423 the employee wishes to contest the district school
1424 superintendent's recommendation, the employee must, within 15
1425 days after receipt of the district school superintendent's
1426 recommendation, submit a written request for a hearing. The
1427 hearing shall be conducted at the district school board's
1428 election in accordance with one of the following procedures:

1429 (I) A direct hearing conducted by the district school board
1430 within 60 days after receipt of the written appeal. The hearing
1431 shall be conducted in accordance with the provisions of ss.
1432 120.569 and 120.57. A majority vote of the membership of the
1433 district school board shall be required to sustain the district
1434 school superintendent's recommendation. The determination of the
1435 district school board shall be final as to the sufficiency or
1436 insufficiency of the grounds for termination of employment; or

1437 (II) A hearing conducted by an administrative law judge
1438 assigned by the Division of Administrative Hearings of the
1439 Department of Management Services. The hearing shall be
1440 conducted within 60 days after receipt of the written appeal in
1441 accordance with chapter 120. The recommendation of the
1442 administrative law judge shall be made to the district school
1443 board. A majority vote of the membership of the district school
1444 board shall be required to sustain or change the administrative
1445 law judge's recommendation. The determination of the district
1446 school board shall be final as to the sufficiency or
1447 insufficiency of the grounds for termination of employment.

1448 (4) The district school superintendent shall notify the
1449 department of any instructional personnel who receive two
1450 consecutive unsatisfactory evaluations and who have been given

581-02795-10

20106c1

1451 written notice by the district that their employment is being
1452 terminated or is not being renewed or that the district school
1453 board intends to terminate, or not renew, their employment. The
1454 department shall conduct an investigation to determine whether
1455 action shall be taken against the certificateholder pursuant to
1456 s. 1012.795(1)(c).

1457 (5) The district school superintendent shall develop a
1458 mechanism for evaluating the effective use of appraisal
1459 ~~assessment~~ criteria and evaluation procedures by administrators
1460 who are assigned responsibility for evaluating the performance
1461 of instructional personnel. The use of the appraisal ~~assessment~~
1462 and evaluation procedures shall be considered as part of the
1463 annual appraisal ~~assessment~~ of the administrator's performance.
1464 The system must include a mechanism to give parents and teachers
1465 an opportunity to provide input into the administrator's
1466 performance assessment, ~~when appropriate.~~

1467 (6) Nothing in this section shall be construed to grant a
1468 probationary employee a right to continued employment beyond the
1469 term of his or her contract.

1470 (7) The district school board shall establish a procedure
1471 annually reviewing instructional personnel appraisal ~~assessment~~
1472 systems to determine compliance with this section. All
1473 substantial revisions to an approved system must be reviewed and
1474 approved by the district school board before being used to
1475 evaluate ~~assess~~ instructional personnel. Upon request by a
1476 school district, the department shall provide assistance in
1477 developing, improving, or reviewing an appraisal ~~assessment~~
1478 system.

1479 (8) The State Board of Education shall adopt rules pursuant

581-02795-10

20106c1

1480 to ss. 120.536(1) and 120.54, that establish uniform guidelines
1481 for the submission, review, and approval of district procedures
1482 for the annual appraisal ~~assessment~~ of instructional personnel
1483 and school-based administrative personnel and that include the
1484 method of calculating rates of student learning tied to
1485 differentiated levels of performance as provided for in
1486 paragraph (2)(g) and criteria for evaluating professional
1487 performance.

1488 Section 29. Subsection (3) is added to section 1012.42,
1489 Florida Statutes, to read:

1490 1012.42 Teacher teaching out-of-field.-

1491 (3) CERTIFICATION REQUIREMENTS.-Beginning in the 2010-2011
1492 school year, a district school board shall not assign any
1493 beginning teacher to teach reading, science, or mathematics if
1494 he or she is not certified in reading, science, or mathematics.

1495 Section 30. Section 1012.52, Florida Statutes, is repealed.

1496 Section 31. Paragraph (c) of subsection (2), subsections
1497 (5), (6), and (7), paragraph (b) of subsection (9), and
1498 subsection (17) of section 1012.56, Florida Statutes, are
1499 amended to read:

1500 1012.56 Educator certification requirements.-

1501 (2) ELIGIBILITY CRITERIA.-To be eligible to seek
1502 certification, a person must:

1503 (c) Document receipt of a bachelor's or higher degree from
1504 an accredited institution of higher learning, or a nonaccredited
1505 institution of higher learning that the Department of Education
1506 has identified as having a quality program resulting in a
1507 bachelor's degree, or higher. Each applicant seeking initial
1508 certification must have attained at least a 2.5 overall grade

581-02795-10

20106c1

1509 point average on a 4.0 scale in the applicant's major field of
1510 study. The applicant may document the required education by
1511 submitting official transcripts from institutions of higher
1512 education or by authorizing the direct submission of such
1513 official transcripts through established electronic network
1514 systems. The bachelor's or higher degree may not be required in
1515 areas approved in rule by the State Board of Education as
1516 nondegreed areas. The State Board of Education may adopt rules
1517 that, for purposes of demonstrating completion of certification
1518 requirements specified in state board rule, allow for the
1519 acceptance of college course credits recommended by the American
1520 Council on Education (ACE), as posted on an official ACE
1521 transcript.

1522 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
1523 demonstrating mastery of subject area knowledge are:

1524 (a) Achievement of passing scores on subject area
1525 examinations required by state board rule, which may include,
1526 but need not be limited to, world languages in Arabic, Chinese,
1527 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
1528 Italian, Japanese, Portuguese, Russian, and Spanish;

1529 (b) Completion of a bachelor's degree or higher and
1530 verification of the attainment of an oral proficiency interview
1531 score above the intermediate level and a written proficiency
1532 score above the intermediate level on a test administered by the
1533 American Council on the Teaching of Foreign Languages for which
1534 there is no Florida-developed examination;

1535 (c) Completion of the subject area specialization
1536 requirements specified in state board rule and verification of
1537 the attainment of the essential subject matter competencies by

581-02795-10

20106c1

1538 the district school superintendent of the employing school
1539 district or chief administrative officer of the employing state-
1540 supported or private school for a subject area for which a
1541 subject area examination has not been developed and required by
1542 state board rule;

1543 (d) Completion of the subject area specialization
1544 requirements specified in state board rule for a subject
1545 coverage requiring a master's or higher degree and achievement
1546 of a passing score on the subject area examination specified in
1547 state board rule;

1548 (e) A valid professional standard teaching certificate
1549 issued by another state and achievement of a passing score on
1550 the subject area exam specified in State Board of Education rule
1551 or by a full demonstration of mastery of his or her ability to
1552 teach the subject area for which he or she is seeking
1553 certification, as provided by rules of the State Board of
1554 Education; or

1555 (f) A valid certificate issued by the National Board for
1556 Professional Teaching Standards or a national educator
1557 credentialing board approved by the State Board of Education.
1558

1559 The requirement in paragraph (e) must be met within the first
1560 semester of the first year of teaching under the temporary
1561 certificate. School districts are encouraged to provide
1562 mechanisms for those middle school teachers holding only a K-6
1563 teaching certificate to obtain a subject area coverage for
1564 middle grades through postsecondary coursework or district add-
1565 on certification.

1566 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION

581-02795-10

20106c1

1567 COMPETENCE.—Acceptable means of demonstrating mastery of
1568 professional preparation and education competence are:

1569 (a) Completion of an approved teacher preparation program
1570 at a postsecondary educational institution within this state and
1571 achievement of a passing score on the professional education
1572 competency examination required by state board rule;

1573 (b) Completion of a teacher preparation program at a
1574 postsecondary educational institution outside Florida and
1575 achievement of a passing score on the professional education
1576 competency examination required by state board rule;

1577 (c) A valid professional standard teaching certificate
1578 issued by another state;

1579 (d) A valid certificate issued by the National Board for
1580 Professional Teaching Standards or a national educator
1581 credentialing board approved by the State Board of Education;

1582 (e) Documentation of two semesters of successful teaching
1583 in a community college, state university, or private college or
1584 university that awards an associate or higher degree and is an
1585 accredited institution or an institution of higher education
1586 identified by the Department of Education as having a quality
1587 program;

1588 (f) Completion of professional preparation courses as
1589 specified in state board rule, successful completion of a
1590 professional education competence demonstration program pursuant
1591 to paragraph (8)(b), and achievement of a passing score on the
1592 professional education competency examination required by state
1593 board rule;

1594 (g) Successful completion of a professional preparation
1595 alternative certification and education competency program,

581-02795-10

20106c1

1596 outlined in paragraph (8) (a); ~~or~~

1597 (h) Successful completion of an alternative certification
1598 program pursuant to s. 1004.85 and achievement of a passing
1599 score on the professional education competency examination
1600 required by rule of the State Board of Education; ~~or-~~

1601 (i) Successful completion of a professional education
1602 training program provided by Teach for America and achievement
1603 of a passing score on the professional education competency
1604 examination required by rule of the State Board of Education.

1605 (7) TYPES AND TERMS OF CERTIFICATION.—

1606 (a) The Department of Education shall issue a professional
1607 certificate for a period not to exceed 5 years to any applicant
1608 who meets all the requirements outlined in subsection (2).

1609 (b) The department shall issue a temporary certificate to
1610 any applicant who meets the following requirements:

1611 1. Completes the requirements outlined in paragraphs

1612 (2) (a)-(f); and

1613 2.a. Completes the subject area content requirements
1614 specified in state board rule; or

1615 b. Demonstrates mastery of subject area knowledge pursuant
1616 to subsection (5); and

1617 3. Holds an accredited degree or a degree approved by the
1618 Department of Education at the level required for the subject
1619 area specialization in state board rule.

1620 (c) The department shall issue one nonrenewable 2-year
1621 temporary certificate and one nonrenewable 5-year professional
1622 certificate to a qualified applicant who holds a bachelor's
1623 degree in the area of speech-language impairment to allow for
1624 completion of a master's degree program in speech-language

581-02795-10

20106c1

1625 impairment.

1626

1627 Each temporary certificate is valid for 3 school fiscal years
1628 and is nonrenewable. However, the requirement in paragraphs
1629 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of
1630 the date of employment under the temporary certificate.

1631 Individuals who are employed under contract at the end of the 1
1632 calendar year time period may continue to be employed through
1633 the end of the school year in which they have been contracted. A
1634 school district shall not employ, or continue the employment of,
1635 an individual in a position for which a temporary certificate is
1636 required beyond this time period if the individual has not met
1637 the requirement of paragraph (2) (g) or paragraph (2) (h). The
1638 State Board of Education shall adopt rules to allow the
1639 department to extend the validity period of a temporary
1640 certificate for 2 years when the requirements for the
1641 professional certificate, not including the requirement in
1642 paragraph (2) (g) or paragraph (2) (h), were not completed due to
1643 the serious illness or injury of the applicant or other
1644 extraordinary extenuating circumstances. The department shall
1645 reissue the temporary certificate for 2 additional years upon
1646 approval by the Commissioner of Education. A written request for
1647 reissuance of the certificate shall be submitted by the district
1648 school superintendent, the governing authority of a university
1649 lab school, the governing authority of a state-supported school,
1650 or the governing authority of a private school.

1651 (9) EXAMINATIONS.—

1652 (b) The State Board of Education shall, by rule, specify
1653 the examination scores that are required for the issuance of a

581-02795-10

20106c1

1654 professional certificate and temporary certificate. Such rules
1655 must define generic subject area and reading instruction
1656 competencies and must establish uniform evaluation guidelines.
1657 The State Board of Education shall review the current subject
1658 area examinations and, if necessary, revise the passing scores
1659 and reading instruction pursuant to s. 1001.215 required for
1660 achieving certification in order to match expectations for
1661 teacher competency in each subject area.

1662 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—
1663 ~~Beginning with the 2003-2004 school year,~~ The Department of
1664 Education shall conduct a longitudinal study to compare
1665 performance of certificateholders who are employed in Florida
1666 school districts. The study shall compare ~~a sampling of~~
1667 educators who have qualified for a professional certificate
1668 ~~since July 1, 2002,~~ based on the following:

1669 (a) Graduation from a state-approved teacher preparation
1670 program.

1671 (b) Completion of a state-approved professional preparation
1672 and education competency program.

1673 (c) A valid standard teaching certificate issued by a state
1674 other than Florida.

1675
1676 The department comparisons shall be made to determine if there
1677 is any significant difference in the performance of these groups
1678 of teachers, as measured by their students' achievement levels
1679 and learning gains as measured by s. 1008.22.

1680 Section 32. Paragraph (b) of subsection (2) and subsection
1681 (5) of section 1012.585, Florida Statutes, are amended, and
1682 subsection (6) is added to that section, to read:

581-02795-10

20106c1

1683 1012.585 Process for renewal of professional certificates.-

1684 (2)

1685 (b) A teacher with national certification from the National
1686 Board for Professional Teaching Standards is deemed to meet
1687 state renewal requirements ~~for the life of the teacher's~~
1688 ~~national certificate~~ in the subject shown on the national
1689 certificate. A complete renewal application and fee shall be
1690 submitted. The Commissioner of Education shall notify teachers
1691 of the renewal application and fee requirements. This paragraph
1692 expires July 1, 2014.

1693 (5) The State Board of Education shall adopt rules to allow
1694 the reinstatement of expired professional certificates. The
1695 department may reinstate an expired professional certificate if
1696 the certificateholder:

1697 (a) Submits an application for reinstatement of the expired
1698 certificate.

1699 (b) Documents completion of 6 college credits during the 5
1700 years immediately preceding reinstatement of the expired
1701 certificate, completion of 120 inservice points, or a
1702 combination thereof, in an area specified in paragraph (3)(a).

1703 (c) Meets the requirements in subsection (6).

1704 (d)~~(e)~~ During the 5 years immediately preceding
1705 reinstatement of the certificate, achieves a passing score on
1706 the subject area test for each subject to be shown on the
1707 reinstated certificate.

1708
1709 The requirements of this subsection may not be satisfied by
1710 subject area tests or college credits completed for issuance of
1711 the certificate that has expired.

581-02795-10

20106c1

1712 (6) Beginning with the 2014-2015 school year, the
1713 requirements for the renewal of a professional certificate shall
1714 include documentation of effective or highly effective
1715 performance as demonstrated under s. 1012.34 for at least 4 of
1716 the preceding 5 years before the renewal certification is
1717 sought. The State Board of Education shall adopt rules to define
1718 the process for documenting effective performance under this
1719 subsection, including equivalent options for individuals who
1720 have not been evaluated under s. 1012.34. An individual's
1721 certificate shall expire if the individual is not able to
1722 demonstrate effective performance as required under this
1723 subsection and the rules of the state board. The individual may
1724 apply to reinstate his or her professional certificate under
1725 subsection (5).

1726 Section 33. Section 1012.72, Florida Statutes, is repealed.

1727 Section 34. Subsection (1) of section 1012.79, Florida
1728 Statutes, is amended to read:

1729 1012.79 Education Practices Commission; organization.—

1730 (1) The Education Practices Commission consists of 25
1731 members, including 11 ~~8~~ teachers; 5 administrators, at least one
1732 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,
1733 3 ~~5~~ of whom shall be parents of public school students and who
1734 are unrelated to public school employees and 2 of whom shall be
1735 former district school board members; and 4 ~~5~~ sworn law
1736 enforcement officials, appointed by the State Board of Education
1737 from nominations by the Commissioner of Education and subject to
1738 Senate confirmation. Prior to making nominations, the
1739 commissioner shall consult with teaching associations, parent
1740 organizations, law enforcement agencies, and other involved

581-02795-10

20106c1

1741 associations in the state. In making nominations, the
1742 commissioner shall attempt to achieve equal geographical
1743 representation, as closely as possible.

1744 (a) A teacher member, in order to be qualified for
1745 appointment:

1746 1. Must be certified to teach in the state.

1747 2. Must be a resident of the state.

1748 3. Must have practiced the profession ~~in this state~~ for at
1749 least 10 years, with at least 5 years of experience in this
1750 state immediately preceding the appointment.

1751 (b) A school administrator member, in order to be qualified
1752 for appointment:

1753 1. Must have an endorsement on the educator certificate in
1754 the area of school administration or supervision.

1755 2. Must be a resident of the state.

1756 3. Must have practiced the profession as an administrator
1757 for at least 5 years immediately preceding the appointment.

1758 (c) The lay members must be residents of the state.

1759 (d) The law enforcement official members must have served
1760 in the profession for at least 5 years immediately preceding
1761 appointment and have background expertise in child safety.

1762 Section 35. Paragraph (h) of subsection (1) of section
1763 1012.795, Florida Statutes, is amended to read:

1764 1012.795 Education Practices Commission; authority to
1765 discipline.—

1766 (1) The Education Practices Commission may suspend the
1767 educator certificate of any person as defined in s. 1012.01(2)
1768 or (3) for up to 5 years, thereby denying that person the right
1769 to teach or otherwise be employed by a district school board or

581-02795-10

20106c1

1770 public school in any capacity requiring direct contact with
1771 students for that period of time, after which the holder may
1772 return to teaching as provided in subsection (4); may revoke the
1773 educator certificate of any person, thereby denying that person
1774 the right to teach or otherwise be employed by a district school
1775 board or public school in any capacity requiring direct contact
1776 with students for up to 10 years, with reinstatement subject to
1777 the provisions of subsection (4); may revoke permanently the
1778 educator certificate of any person thereby denying that person
1779 the right to teach or otherwise be employed by a district school
1780 board or public school in any capacity requiring direct contact
1781 with students; may suspend the educator certificate, upon an
1782 order of the court or notice by the Department of Revenue
1783 relating to the payment of child support; or may impose any
1784 other penalty provided by law, if the person:

1785 (h) Has breached a contract, as provided in s. 1012.33(2)
1786 or s. 1012.335.

1787 Section 36. Review of teacher preparation program funding.-

1788 (1) The Department of Education, in collaboration with the
1789 Board of Governors, shall develop a methodology to determine the
1790 cost-effectiveness of the teacher preparation programs in ss.
1791 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
1792 methodology for determining program costs must use existing
1793 expenditure data, when available.

1794 (2) On or before December 1, 2011, the Department of
1795 Education shall submit a report to the Governor, the President
1796 of the Senate, and the Speaker of the House of Representatives
1797 which:

1798 (a) Provides a methodology to evaluate the cost-

581-02795-10

20106c1

1799 effectiveness of teacher preparation programs based on program
1800 costs, program outcomes of student cohorts such as completion
1801 rates, placement rates in teaching jobs, retention rates in the
1802 classroom, and student achievement and learning gains of
1803 students taught by graduates;

1804 (b) Uses the methodology developed to evaluate the cost-
1805 effectiveness of the state's teacher preparation programs; and

1806 (c) Provides recommendations that would enhance the
1807 Legislature's ability to consider the program's productivity
1808 when allocating funds.

1809 (3) The Office of Program Policy Analysis and Government
1810 Accountability shall review the current standards for the
1811 continued approval of teacher preparation programs and make
1812 recommendations to the Legislature on or before January 1, 2012,
1813 for any needed changes. Such recommendations shall include
1814 proposed changes to the allocation of any state funds to teacher
1815 preparation programs and the students enrolled in these
1816 programs.

1817 Section 37. If any provision of this act or its application
1818 to any person or circumstance is held invalid, the invalidity
1819 does not affect other provisions or applications of the act
1820 which can be given effect without the invalid provision or
1821 application, and to this end the provisions of this act are
1822 severable.

1823 Section 38. The amendments to ss. 1012.22 and 1012.33,
1824 Florida Statutes, shall apply to contracts newly entered into,
1825 extended, or readopted on or after July 1, 2010, and to all
1826 contracts on or after July 1, 2013.

1827 Section 39. Except as otherwise expressly provided in this

581-02795-10

20106c1

1828

act, this act shall take effect July 1, 2010.