

**By** the Policy and Steering Committee on Ways and Means; the Committee on Education Pre-K - 12; and Senators Thrasher, Gaetz, Detert, Wise, Constantine, Richter, Peaden, Storms, and Baker

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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. 447.403, F.S.;  
6           deleting a provision that provides for an expedited  
7           impasse hearing for disputes involving the Merit Award  
8           Program plan to conform to changes made by the act;  
9           amending s. 1002.33, F.S.; requiring a charter school  
10          to adopt a salary schedule for instructional personnel  
11          and school-based administrators which meets certain  
12          requirements; providing that charter schools must meet  
13          certain requirements for end-of-course assessments,  
14          performance appraisals, and certain contracts;  
15          deleting a cross-reference to conform to changes made  
16          by the act; requiring that the Commissioner of  
17          Education review certain charter schools for  
18          compliance with the requirements for a salary  
19          schedule, assessments, and contracts; requiring a  
20          specified funding adjustment to be imposed against a  
21          charter school that is not in compliance; amending s.  
22          1003.52, F.S.; deleting a cross-reference to conform  
23          to changes made by the act; repealing s. 1003.62,  
24          F.S., relating to academic performance-based charter  
25          school districts; amending s. 1003.621, F.S.;  
26          providing additional requirements for personnel in  
27          academically high-performing school districts;  
28          repealing s. 1003.63, relating to the deregulated  
29          public schools pilot program; amending s. 1004.04,

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30 F.S.; revising the criteria for continued approval of  
31 teacher preparation programs to include student  
32 learning gains; deleting the waiver of admissions  
33 criteria for certain students; deleting the criterion  
34 relating to employer satisfaction; revising the  
35 requirements for a teacher preparation program to  
36 provide additional training to a graduate who fails to  
37 demonstrate essential skills; deleting a provision  
38 that requires state-approved teacher preparation  
39 programs and public and private institutions offering  
40 training for school-readiness-related professions to  
41 report graduate satisfaction ratings; revising the  
42 requirements for preservice field experience programs;  
43 repealing s. 1004.04(11) and (12), F.S., relating to  
44 the Preteacher and Teacher Education Pilot Programs  
45 and the Teacher Education Pilot Programs for High-  
46 Achieving Students; amending s. 1004.85, F.S.;  
47 revising the requirements for individuals who  
48 participate in programs at postsecondary educator  
49 preparation institutes; revising the requirements for  
50 approved alternative certification programs and  
51 instructors; creating s. 1008.222, F.S.; requiring  
52 school districts to develop and implement end-of-  
53 course assessments; requiring a review of assessments  
54 by the Commissioner of Education; amending s. 1009.40,  
55 F.S.; deleting cross-references to conform to changes  
56 made by the act; repealing s. 1009.54, F.S., relating  
57 to the Critical Teacher Shortage Program; repealing s.  
58 1009.57, F.S., relating to the Florida Teacher

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59 Scholarship and Forgivable Loan Program; repealing s.  
60 1009.58, F.S., relating to the Critical Teacher  
61 Shortage Tuition Reimbursement Program; repealing s.  
62 1009.59, F.S., relating to the Critical Teacher  
63 Shortage Student Loan Forgiveness Program; amending s.  
64 1009.94, F.S.; deleting cross-references to conform to  
65 changes made by the act; creating s. 1011.626, F.S.;  
66 providing legislative findings and intent; creating  
67 the Performance Fund for Instructional Personnel and  
68 School-Based Administrators; providing for calculation  
69 of the fund amount; providing for distribution of  
70 funds to districts and specifying purposes for which  
71 funds may be expended; providing for reversion of  
72 unexpended funds; specifying that salary increases  
73 from these funds are in addition to other salary  
74 adjustments; specifying requirements for individuals  
75 paid from federal grants; requiring that each district  
76 school board submit its district adopted salary  
77 schedule and certain assessments to the Commissioner  
78 of Education for review; requiring that the  
79 commissioner determine compliance with requirements  
80 applicable to the schedules and assessments; requiring  
81 a review by the Auditor General of certain classroom  
82 teacher contracts; requiring that the Commissioner of  
83 Education notify the Governor and Legislature of  
84 school districts that fail to comply with salary  
85 schedule, assessment, and contract requirements;  
86 requiring a specified funding adjustment to be imposed  
87 against a school district for such failure to comply;

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88 requiring that the State Board of Education adopt  
89 rules; amending s. 1011.69, F.S.; deleting a provision  
90 that exempts academic performance-based charter school  
91 districts from the Equity in School-Level Funding Act  
92 to conform to changes made by the act; amending s.  
93 1012.05, F.S.; revising the Department of Education's  
94 responsibilities for teacher recruitment; amending s.  
95 1012.07, F.S.; revising the methodology for  
96 determining critical teacher shortage areas; deleting  
97 cross-references to conform to changes made by the  
98 act; amending s. 1012.22, F.S.; revising the powers  
99 and duties of the district school board with respect  
100 to school district compensation and salary schedules;  
101 requiring that certain performance criteria be  
102 included in the adopted schedules; revising the  
103 differentiated pay provisions; repealing s. 1012.225,  
104 F.S., relating to the Merit Award Program for  
105 Instructional Personnel and School-Based  
106 Administrators; repealing s. 1012.2251, F.S., relating  
107 to the end-of-course examinations for the Merit Award  
108 Program; amending s. 1012.33, F.S.; revising  
109 provisions relating to contracts with certain  
110 educational personnel; requiring a district school  
111 board's decision to retain personnel who have  
112 continuing contracts or professional service contracts  
113 to be primarily based on the employee's performance;  
114 deleting requirements that school board decisions for  
115 workforce reductions be based on collective bargaining  
116 agreements; deleting requirements for district school

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117 board rules for workforce reduction; creating s.  
118 1012.335, F.S.; providing definitions; providing  
119 employment criteria for newly hired classroom  
120 teachers; providing grounds for termination; requiring  
121 that the State Board of Education adopt rules defining  
122 the term "just cause"; providing guidelines for such  
123 term; amending s. 1012.34, F.S.; revising provisions  
124 related to the appraisal of instructional personnel  
125 and school-based administrators; requiring that the  
126 Department of Education approve school district  
127 appraisal instruments; requiring the Department of  
128 Education to collect appraisal information from school  
129 districts and to report such information to the  
130 Governor and the Legislature; providing requirements  
131 for appraisal systems; authorizing an employee to  
132 request that a district school superintendent review  
133 an unsatisfactory performance appraisal; conforming  
134 provisions to changes made by the act; amending s.  
135 1012.42, F.S.; prohibiting a district school board  
136 from assigning a new teacher to teach reading,  
137 science, or mathematics if he or she is not certified  
138 in those subject areas; repealing s. 1012.52, F.S.,  
139 relating to legislative intent for teacher quality;  
140 amending s. 1012.56, F.S.; revising the certification  
141 requirements for persons holding a valid professional  
142 standard teaching certificate issued by another state;  
143 providing additional means of demonstrating mastery of  
144 professional preparation and education competence;  
145 requiring that the State Board of Education review the

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

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175 certain school districts; providing for severability;  
176 providing for application of specified provisions of  
177 the act; providing effective dates.

178

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

180

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

183 39.202 Confidentiality of reports and records in cases of  
184 child abuse or neglect.—

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

189 (t) Employees or agents of the Department of Education who  
190 are responsible for the investigation or prosecution of  
191 misconduct by certified educators.

192 Section 2. Paragraph (c) of subsection (2) of section  
193 447.403, Florida Statutes, is amended to read:

194 447.403 Resolution of impasses.—

195 (2)

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

202 ~~1.a. The commission shall furnish the names of seven~~  
203 ~~special magistrates within 5 days after receiving notice of~~

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204 ~~impasse. If the parties are unable to agree upon a special~~  
205 ~~magistrate within 5 days after the date of the letter~~  
206 ~~transmitting the list of choices, the commission shall~~  
207 ~~immediately appoint a special magistrate. The special magistrate~~  
208 ~~shall set the hearing, which shall be held no later than 15 days~~  
209 ~~after the date of appointment of the special magistrate. Within~~  
210 ~~5 days after the date of appointment of a special magistrate,~~  
211 ~~each party shall serve upon the special magistrate and upon each~~  
212 ~~other party a written list of issues at impasse.~~

213 ~~b. At the close of the hearing, the parties shall summarize~~  
214 ~~their arguments and may provide a written memorandum in support~~  
215 ~~of their positions.~~

216 ~~e. Within 10 days after the close of the hearing, the~~  
217 ~~special magistrate shall transmit a recommended decision to the~~  
218 ~~commission and the parties.~~

219 ~~d. The recommended decision of the special magistrate shall~~  
220 ~~be deemed accepted by the parties, except as to those~~  
221 ~~recommendations that a party specifically rejects, by filing a~~  
222 ~~written notice with the commission and serving a copy on the~~  
223 ~~other party within 5 days after the date of the recommended~~  
224 ~~decision.~~

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

229 Section 3. Paragraph (c) is added to subsection (16) of  
230 section 1002.33, Florida Statutes, paragraph (a) of subsection  
231 (20) of that section is amended, present subsection (26) of that  
232 section is redesignated as subsection (27), and a new subsection



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233 (26) is added to that section, to read:

234 1002.33 Charter schools.—

235 (16) EXEMPTION FROM STATUTES.—

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

237 1. A charter school may not award a professional service  
238 contract or similar contract to a classroom teacher hired on or  
239 after July 1, 2010.

240 2. Beginning with the 2014-2015 school year and thereafter,  
241 a charter school must adopt a salary schedule for instructional  
242 personnel and school-based administrators which compensates  
243 instructional personnel and school-based administrators based on  
244 their performance. Salary adjustments for instructional  
245 personnel and school-based administrators must be based only on  
246 performance demonstrated under s. 1012.34. A charter school may  
247 not use length of service or degrees held by instructional  
248 personnel or school-based administrators as a factor in setting  
249 the salary schedule.

250 3. A charter school must meet the following requirements:

251 a. Administer assessments that comply with s. 1008.222.

252 However, a charter school may use its own assessments if the  
253 assessments comply with s. 1008.222;

254 b. Maintain the security and integrity of end-of-course  
255 assessments developed or acquired pursuant to s. 1008.222; and

256 c. Adopt a performance appraisal system that complies with  
257 s. 1012.34.

258 (20) SERVICES.—

259 (a) A sponsor shall provide certain administrative and  
260 educational services to charter schools. These services shall  
261 include contract management services; full-time equivalent and

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262 data reporting services; exceptional student education  
263 administration services; services related to eligibility and  
264 reporting duties required to ensure that school lunch services  
265 under the federal lunch program, consistent with the needs of  
266 the charter school, are provided by the school district at the  
267 request of the charter school, that any funds due to the charter  
268 school under the federal lunch program be paid to the charter  
269 school as soon as the charter school begins serving food under  
270 the federal lunch program, and that the charter school is paid  
271 at the same time and in the same manner under the federal lunch  
272 program as other public schools serviced by the sponsor or the  
273 school district; test administration services, including payment  
274 of the costs of state-required or district-required student  
275 assessments; processing of teacher certificate data services;  
276 and information services, including equal access to student  
277 information systems that are used by public schools in the  
278 district in which the charter school is located. Student  
279 performance data for each student in a charter school,  
280 including, but not limited to, FCAT scores, standardized test  
281 scores, previous public school student report cards, and student  
282 performance measures, shall be provided by the sponsor to a  
283 charter school in the same manner provided to other public  
284 schools in the district. A total administrative fee for the  
285 provision of such services shall be calculated based upon up to  
286 5 percent of the available funds defined in paragraph (17)(b)  
287 for all students. However, a sponsor may only withhold up to a  
288 5-percent administrative fee for enrollment for up to and  
289 including 500 students. For charter schools with a population of  
290 501 or more students, the difference between the total

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291 administrative fee calculation and the amount of the  
292 administrative fee withheld may only be used for capital outlay  
293 purposes specified in s. 1013.62(2). ~~Each charter school shall~~  
294 ~~receive 100 percent of the funds awarded to that school pursuant~~  
295 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any  
296 additional fees or surcharges for administrative and educational  
297 services in addition to the maximum 5-percent administrative fee  
298 withheld pursuant to this paragraph.

299 (26) FUNDING AND COMPLIANCE.—

300 (a) Effective with the beginning of the 2011-2012 year, and  
301 each year thereafter, the Commissioner of Education shall  
302 calculate and distribute funds from the Performance Fund for  
303 Instructional Personnel and School-Based Administrators in s.  
304 1011.626 to charter schools in the same manner as for school  
305 districts. Charter schools must meet the requirements in s.  
306 1011.626(5).

307 (b) By September 15 of each year, each charter school  
308 governing board shall certify to the Commissioner of Education  
309 that its school meets the requirements in paragraph (16)(c). The  
310 commissioner shall verify compliance with paragraph (16)(c) by  
311 selecting a sample of charter schools each year to provide  
312 information to determine compliance. On or before October 1 of  
313 each year, a selected charter school must submit the requested  
314 information to the commissioner. On or before December 15 of  
315 each year, the commissioner shall complete a review of each  
316 selected charter school for that school year, determine  
317 compliance with paragraph (16)(c), and notify each charter  
318 school governing board and sponsor if the charter school is not  
319 in compliance with paragraph (16)(c). The commissioner shall

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320 certify the charter schools that do not comply with paragraph  
321 (16) (c) to the Governor, the President of the Senate, and the  
322 Speaker of the House of Representative on or before February 15  
323 of each year. Each certified charter school shall receive a  
324 funding adjustment of state funds equivalent to 5 percent of the  
325 total Florida Education Finance Program funds provided in the  
326 General Appropriations Act for the charter school. Such funding  
327 adjustment shall be implemented through the withholding of funds  
328 to which the charter school is entitled.

329 Section 4. Subsection (10) of section 1003.52, Florida  
330 Statutes, is amended to read:

331 1003.52 Educational services in Department of Juvenile  
332 Justice programs.—

333 (10) The district school board shall recruit and train  
334 teachers who are interested, qualified, or experienced in  
335 educating students in juvenile justice programs. Students in  
336 juvenile justice programs shall be provided a wide range of  
337 educational programs and opportunities including textbooks,  
338 technology, instructional support, and other resources available  
339 to students in public schools. Teachers assigned to educational  
340 programs in juvenile justice settings in which the district  
341 school board operates the educational program shall be selected  
342 by the district school board in consultation with the director  
343 of the juvenile justice facility. Educational programs in  
344 juvenile justice facilities shall have access to the substitute  
345 teacher pool utilized by the district school board. Full-time  
346 teachers working in juvenile justice schools, whether employed  
347 by a district school board or a provider, shall be eligible for  
348 ~~the critical teacher shortage tuition reimbursement program as~~

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349 defined by ~~s. 1009.58~~ and other teacher recruitment and  
350 retention programs.

351 Section 5. Section 1003.62, Florida Statutes, is repealed.

352 Section 6. Paragraph (h) of subsection (2) of section  
353 1003.621, Florida Statutes, is amended to read:

354 1003.621 Academically high-performing school districts.—It  
355 is the intent of the Legislature to recognize and reward school  
356 districts that demonstrate the ability to consistently maintain  
357 or improve their high-performing status. The purpose of this  
358 section is to provide high-performing school districts with  
359 flexibility in meeting the specific requirements in statute and  
360 rules of the State Board of Education.

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

366 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
367 differentiated pay and performance-pay policies for school  
368 administrators and instructional personnel, and s. 1012.34,  
369 relating to appraisal procedures and criteria. Professional  
370 service contracts are subject to the provisions of s. ~~ss.~~  
371 1012.33 and 1012.34. Contracts with classroom teachers hired on  
372 or after July 1, 2010, are subject to s. 1012.335.

373 Section 7. Section 1003.63, Florida Statutes, is repealed.

374 Section 8. Paragraph (b) of subsection (4) and subsections  
375 (5) and (6) of section 1004.04, Florida Statutes, are amended to  
376 read:

377 1004.04 Public accountability and state approval for

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378 teacher preparation programs.—

379 (4) INITIAL STATE PROGRAM APPROVAL.—

380 (b) Each teacher preparation program approved by the  
381 Department of Education, as provided for by this section, shall  
382 require students to meet the following as prerequisites for  
383 admission into the program:

384 1. Have a grade point average of at least 2.5 on a 4.0  
385 scale for the general education component of undergraduate  
386 studies or have completed the requirements for a baccalaureate  
387 degree with a minimum grade point average of 2.5 on a 4.0 scale  
388 from any college or university accredited by a regional  
389 accrediting association as defined by State Board of Education  
390 rule or any college or university otherwise approved pursuant to  
391 State Board of Education rule.

392 2. Demonstrate mastery of general knowledge, including the  
393 ability to read, write, and compute, by passing the General  
394 Knowledge Test of the Florida Teacher Certification Examination,  
395 the College Level Academic Skills Test, a corresponding  
396 component of the National Teachers Examination series, or a  
397 similar test pursuant to rules of the State Board of Education.  
398

399 ~~Each teacher preparation program may waive these admissions~~  
400 ~~requirements for up to 10 percent of the students admitted.~~  
401 ~~Programs shall implement strategies to ensure that students~~  
402 ~~admitted under a waiver receive assistance to demonstrate~~  
403 ~~competencies to successfully meet requirements for~~  
404 ~~certification.~~

405 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection  
406 (4), failure by a public or nonpublic teacher preparation

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407 program to meet the criteria for continued program approval  
408 shall result in loss of program approval. The Department of  
409 Education, in collaboration with the departments and colleges of  
410 education, shall develop procedures for continued program  
411 approval that document the continuous improvement of program  
412 processes and graduates' performance.

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

418 (b) ~~(a)~~ Continued approval of specific teacher preparation  
419 programs at each public and nonpublic postsecondary educational  
420 institution within the state is contingent upon the passing of  
421 the written examination required by s. 1012.56 by at least 90  
422 percent of the graduates of the program who take the  
423 examination. The Department of Education shall annually provide  
424 an analysis of the performance of the graduates of such  
425 institution with respect to the competencies assessed by the  
426 examination required by s. 1012.56.

427 (c) ~~(b)~~ Additional criteria for continued program approval  
428 for public institutions may be approved by the State Board of  
429 Education. Such criteria must emphasize instruction in classroom  
430 management and must provide for the evaluation of the teacher  
431 candidates' performance in this area. The criteria shall also  
432 require instruction in working with underachieving students.  
433 Program evaluation procedures must include, but are not limited  
434 to, program graduates' satisfaction with instruction and the  
435 program's responsiveness to local school districts. Additional

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436 criteria for continued program approval for nonpublic  
437 institutions shall be developed in the same manner as for public  
438 institutions; however, such criteria must be based upon  
439 significant, objective, and quantifiable graduate performance  
440 measures. Responsibility for collecting data on outcome measures  
441 through survey instruments and other appropriate means shall be  
442 shared by the postsecondary educational institutions and the  
443 Department of Education. By January 1 of each year, the  
444 Department of Education shall report this information for each  
445 postsecondary educational institution that has state-approved  
446 programs of teacher education to the Governor, the State Board  
447 of Education, the Board of Governors, the Commissioner of  
448 Education, the President of the Senate, the Speaker of the House  
449 of Representatives, all Florida postsecondary teacher  
450 preparation programs, and interested members of the public. This  
451 report must analyze the data and make recommendations for  
452 improving teacher preparation programs in the state.

453 (d)~~(e)~~ Continued approval for a teacher preparation program  
454 is contingent upon the results of periodic reviews, on a  
455 schedule established by the State Board of Education, of the  
456 program conducted by the postsecondary educational institution,  
457 using procedures and criteria outlined in an institutional  
458 program evaluation plan approved by the Department of Education,  
459 which must include the program's review of and response to the  
460 effect of its candidates and graduates on K-12 student learning.  
461 This plan must also incorporate and respond to the criteria  
462 established in paragraphs ~~(a) and~~ (b) and (c) and include  
463 provisions for involving primary stakeholders, such as program  
464 graduates, district school personnel, classroom teachers,



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465 principals, community agencies, and business representatives in  
466 the evaluation process. Upon request by an institution, the  
467 department shall provide assistance in developing, enhancing, or  
468 reviewing the institutional program evaluation plan and training  
469 evaluation team members.

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

476 (f)~~(e)~~ Continued approval of teacher preparation programs  
477 is contingent upon compliance with the student admission  
478 requirements of subsection (4) ~~and upon the receipt of at least~~  
479 ~~a satisfactory rating from public schools and private schools~~  
480 ~~that employ graduates of the program.~~ Each teacher preparation  
481 program shall guarantee the high quality of its graduates during  
482 the first 2 years immediately following graduation from the  
483 program or following the graduate's initial certification,  
484 whichever occurs first. Any educator in a Florida school who  
485 fails to demonstrate student learning gains ~~the essential skills~~  
486 ~~as specified in paragraph (a) subparagraphs 1.-5.~~ shall be  
487 provided additional training by the teacher preparation program  
488 at no expense to the educator or the employer. Such training  
489 must consist of an individualized plan agreed upon by the school  
490 district and the postsecondary educational institution that  
491 includes specific learning outcomes. The postsecondary  
492 educational institution assumes no responsibility for the  
493 educator's employment contract with the employer. ~~Employer~~

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494 ~~satisfaction shall be determined by an annually administered~~  
495 ~~survey instrument approved by the Department of Education that,~~  
496 ~~at a minimum, must include employer satisfaction of the~~  
497 ~~graduates' ability to do the following:~~

498 ~~1. Write and speak in a logical and understandable style~~  
499 ~~with appropriate grammar.~~

500 ~~2. Recognize signs of students' difficulty with the reading~~  
501 ~~and computational process and apply appropriate measures to~~  
502 ~~improve students' reading and computational performance.~~

503 ~~3. Use and integrate appropriate technology in teaching and~~  
504 ~~learning processes.~~

505 ~~4. Demonstrate knowledge and understanding of Sunshine~~  
506 ~~State Standards.~~

507 ~~5. Maintain an orderly and disciplined classroom conducive~~  
508 ~~to student learning.~~

509 (g) ~~(f)~~ 1. Each Florida public and private institution that  
510 offers a state-approved teacher preparation program must  
511 annually report information regarding these programs to the  
512 state and the general public. This information shall be reported  
513 in a uniform and comprehensible manner that is consistent with  
514 definitions and methods approved by the Commissioner of the  
515 National Center for Educational Statistics and that is approved  
516 by the State Board of Education. This information must include,  
517 at a minimum:

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

520 b. The average length of stay of graduates in their full-  
521 time teaching positions.

522 c. The percentage of graduates whose students achieved

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523 learning gains, as specified in paragraph (a). For purposes of  
524 this paragraph, the information shall include the percentage of  
525 the students taught per graduate who achieved learning gains.

526 ~~Satisfaction ratings required in paragraph (e).~~

527 2. Each public and private institution offering training  
528 for school readiness related professions, including training in  
529 the fields of child care and early childhood education, whether  
530 offering career credit, associate in applied science degree  
531 programs, associate in science degree programs, or associate in  
532 arts degree programs, shall annually report information  
533 regarding these programs to the state and the general public in  
534 a uniform and comprehensible manner that conforms with  
535 definitions and methods approved by the State Board of  
536 Education. This information must include, at a minimum:

537 a. Average length of stay of graduates in their teaching  
538 positions.

539 b. The percent of graduates obtaining full-time teaching  
540 employment within the first year of graduation. ~~Satisfaction~~  
541 ~~ratings of graduates' employers.~~

542

543 This information shall be reported through publications,  
544 including college and university catalogs and promotional  
545 materials sent to potential applicants, secondary school  
546 guidance counselors, and prospective employers of the  
547 institution's program graduates.

548 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary  
549 instructors, school district personnel and instructional  
550 personnel, and school sites preparing instructional personnel  
551 through preservice field experience courses and internships

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552 shall meet special requirements. District school boards are  
553 authorized to pay student teachers during their internships.

554 (a) All instructors in postsecondary teacher preparation  
555 programs who instruct or supervise preservice field experiences,  
556 preservice experience courses, or internships shall have at  
557 least one of the following: specialized training in clinical  
558 supervision; a valid professional teaching certificate issued  
559 under ~~pursuant to~~ ss. 1012.56 and 1012.585; or at least 3 years  
560 of successful teaching experience in prekindergarten through  
561 grade 12.

562 (b) All school district personnel and instructional  
563 personnel who supervise or direct teacher preparation students  
564 during field experience courses or internships must have  
565 evidence of "clinical educator" training and must successfully  
566 demonstrate effective classroom management strategies that  
567 consistently result in improved student performance. The State  
568 Board of Education shall approve the training requirements.

569 (c) Preservice field experience programs must provide for  
570 continuous student participation in K-12 classroom settings with  
571 supervised instruction of K-12 students. All preservice field  
572 experience programs must provide specific guidance and  
573 demonstration of effective classroom management strategies,  
574 strategies for incorporating technology into classroom  
575 instruction, strategies for incorporating scientifically  
576 researched, knowledge-based reading literacy and computational  
577 skills acquisition into classroom instruction, and ways to link  
578 instructional plans to the Sunshine State Standards, as  
579 appropriate. The length of structured field experiences may be  
580 extended to ensure that candidates achieve the competencies

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581 needed to meet certification requirements.

582 (d) Postsecondary teacher preparation programs, in  
583 consultation ~~cooperation~~ with district school boards and  
584 approved private school associations, shall select the school  
585 sites for preservice field experience activities based on the  
586 instructional skills of the instructor or supervisor with whom  
587 the teaching candidate is placed, as demonstrated by the  
588 instructor's or supervisor's sustained student learning gains as  
589 specified in paragraph (5) (a). ~~These sites must represent the~~  
590 ~~full spectrum of school communities, including, but not limited~~  
591 ~~to, schools located in urban settings.~~ In order to be selected,  
592 school sites must demonstrate commitment to the education of  
593 public school students and to the preparation of future  
594 teachers.

595 Section 9. Subsections (11) and (12) of section 1004.04,  
596 Florida Statutes, are repealed.

597 Section 10. Paragraph (b) of subsection (3) and subsections  
598 (4) and (5) of section 1004.85, Florida Statutes, are amended to  
599 read:

600 1004.85 Postsecondary educator preparation institutes.—

601 (3) Educator preparation institutes approved pursuant to  
602 this section may offer alternative certification programs  
603 specifically designed for noneducation major baccalaureate  
604 degree holders to enable program participants to meet the  
605 educator certification requirements of s. 1012.56. Such programs  
606 shall be competency-based educator certification preparation  
607 programs that prepare educators through an alternative route. An  
608 educator preparation institute choosing to offer an alternative  
609 certification program pursuant to the provisions of this section

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610 must implement a program previously approved by the Department  
611 of Education for this purpose or a program developed by the  
612 institute and approved by the department for this purpose.  
613 Approved programs shall be available for use by other approved  
614 educator preparation institutes.

615 (b) Each program participant must:

616 1. Meet certification requirements pursuant to s.  
617 1012.56(1) and (2) by obtaining a statement of status of  
618 eligibility prior to admission into the program which indicates  
619 eligibility for a temporary certificate in a teaching subject  
620 and meet the requirements of s. 1012.56(2) (a)-(f).

621 2. Participate in field experience that is appropriate to  
622 his or her educational plan.

623 3. Demonstrate mastery of general knowledge by one of the  
624 options provided in s. 1012.56(3) prior to completion of the  
625 program.

626 ~~4.3.~~ Fully demonstrate his or her ability to teach the  
627 subject area for which he or she is seeking certification  
628 through field experiences and by achievement of a passing score  
629 on the corresponding subject area test prior to completion of  
630 the program and demonstrate mastery of professional preparation  
631 and education competence by achievement of a passing score on  
632 the professional education competency examination required by  
633 state board rule prior to completion of the program.

634 (4) Each alternative certification program ~~institute~~  
635 approved pursuant to this section shall submit to the Department  
636 of Education annual performance evaluations that measure the  
637 effectiveness of the programs, including the pass rates of  
638 participants on all examinations required for teacher

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639 certification, employment rates, longitudinal retention rates,  
640 and a review of the impact that participants who have completed  
641 the program have on K-12 student learning and employer  
642 ~~satisfaction surveys. The employer satisfaction surveys must be~~  
643 ~~designed to measure the sufficient preparation of the educator~~  
644 ~~to enter the classroom.~~ These evaluations and evidence of  
645 student learning gains, as measured by state assessments  
646 required under s. 1008.22, shall be used by the Department of  
647 Education for purposes of continued approval of an educator  
648 preparation institute's alternative certification program.

649 (5) Instructors for an alternative certification program  
650 approved pursuant to this section must meet the requirements of  
651 s. 1004.04(6) ~~possess a master's degree in education or a~~  
652 ~~master's degree in an appropriate related field and document~~  
653 ~~teaching experience.~~

654 Section 11. Section 1008.222, Florida Statutes, is created  
655 to read:

656 1008.222 Development and implementation of end-of-course  
657 assessments of certain subject areas and grade levels.-

658 (1) Each school district must develop or acquire a valid  
659 and reliable end-of-course assessment for each subject area and  
660 grade level not measured by state assessments required under s.  
661 1008.22 or by examinations in AP, IB, AICE, or a national  
662 industry certification identified in the Industry Certification  
663 Funding List pursuant to rules adopted by the State Board of  
664 Education. The content, knowledge, and skills assessed by end-  
665 of-course assessments for each school district must be aligned  
666 to the core curricular content established in the Sunshine State  
667 Standards.

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

672 (b) Each district school superintendent must ensure that  
673 teachers who provide instruction in the same subject or grade  
674 level administer the same end-of-course assessment, as described  
675 in subsection (1). Each school district must adopt policies to  
676 ensure standardized administration and security of the  
677 assessments.

678 (c) Each district school superintendent is responsible for  
679 implementing standardized assessment security and  
680 administration, the reporting of assessment results, and using  
681 assessment results to comply with provisions of ss.  
682 1012.22 (1) (c) and 1012.34. The district school superintendent  
683 shall certify to the Commissioner of Education that the security  
684 of a standardized assessment required under this section is  
685 maintained. If a district school superintendent's certification  
686 is determined to be invalid through an audit by the Auditor  
687 General or an investigation by the Department of Education, the  
688 superintendent is subject to suspension and removal on the  
689 grounds of misfeasance pursuant to s. 7, Art. IV of the State  
690 Constitution.

691 (d) The Commissioner of Education shall identify methods to  
692 assist and support districts in the development and acquisition  
693 of assessments required under this section. Methods may include  
694 the development of item banks, facilitation of the sharing of  
695 developed tests among districts, and technical assistance in  
696 best professional practices of test development based on state-



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697 adopted curriculum standards, administration, and security.

698 Section 12. Paragraph (a) of subsection (1) of section  
699 1009.40, Florida Statutes, is amended to read:

700 1009.40 General requirements for student eligibility for  
701 state financial aid awards and tuition assistance grants.—

702 (1)(a) The general requirements for eligibility of students  
703 for state financial aid awards and tuition assistance grants  
704 consist of the following:

705 1. Achievement of the academic requirements of and  
706 acceptance at a state university or community college; a nursing  
707 diploma school approved by the Florida Board of Nursing; a  
708 Florida college, university, or community college which is  
709 accredited by an accrediting agency recognized by the State  
710 Board of Education; any Florida institution the credits of which  
711 are acceptable for transfer to state universities; any career  
712 center; or any private career institution accredited by an  
713 accrediting agency recognized by the State Board of Education.

714 2. Residency in this state for no less than 1 year  
715 preceding the award of aid or a tuition assistance grant for a  
716 program established pursuant to s. 1009.50, s. 1009.505, s.  
717 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
718 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
719 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.  
720 Residency in this state must be for purposes other than to  
721 obtain an education. Resident status for purposes of receiving  
722 state financial aid awards shall be determined in the same  
723 manner as resident status for tuition purposes pursuant to s.  
724 1009.21.

725 3. Submission of certification attesting to the accuracy,

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726 completeness, and correctness of information provided to  
 727 demonstrate a student's eligibility to receive state financial  
 728 aid awards or tuition assistance grants. Falsification of such  
 729 information shall result in the denial of any pending  
 730 application and revocation of any award or grant currently held  
 731 to the extent that no further payments shall be made.  
 732 Additionally, students who knowingly make false statements in  
 733 order to receive state financial aid awards or tuition  
 734 assistance grants commit a misdemeanor of the second degree  
 735 subject to the provisions of s. 837.06 and shall be required to  
 736 return all state financial aid awards or tuition assistance  
 737 grants wrongfully obtained.

738 Section 13. Section 1009.54, Florida Statutes, is repealed.

739 Section 14. Section 1009.57, Florida Statutes, is repealed.

740 Section 15. Section 1009.58, Florida Statutes, is repealed.

741 Section 16. Section 1009.59, Florida Statutes, is repealed.

742 Section 17. Paragraph (c) of subsection (2) of section  
 743 1009.94, Florida Statutes, is amended to read:

744 1009.94 Student financial assistance database.—

745 (2) For purposes of this section, financial assistance  
 746 includes:

747 (c) Any financial assistance provided under s. 1009.50, s.  
 748 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
 749 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.  
 750 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.  
 751 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

752 Section 18. Section 1011.626, Florida Statutes, is created  
 753 to read:

754 1011.626 Performance Fund for Instructional Personnel and

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755 School-Based Administrators.-

756 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature  
757 to ensure that every student has a high-quality teacher in his  
758 or her classroom. The Legislature intends, therefore, to hold  
759 school districts accountable for demonstrably increasing student  
760 achievement.

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

762 (a) Quality classroom teachers and school-based  
763 administrators are the single greatest indicators of student  
764 achievement.

765 (b) A school district that fails to reward quality  
766 classroom teachers or school-based administrators on the  
767 performance of their students, and instead rewards these  
768 individuals, in whole or in part, based on the number of years  
769 worked or degrees held, has violated s. 1012.22(1)(c). A school  
770 district's failure to comply with s. 1012.22(1)(c) fails to  
771 maximize student learning by not providing the appropriate  
772 incentives to attract and retain quality classroom teachers and  
773 school-based administrators. As a result, students are penalized  
774 for the acts or omissions of district school boards or district  
775 school superintendents.

776 (c) A school district that fails to adopt and implement  
777 end-of-course assessments that comply with s. 1008.222  
778 frustrates the purpose of ensuring that each student has a high-  
779 quality teacher in his or her classroom by preventing the  
780 determination of the quality of a classroom teacher's or school-  
781 based administrator's performance.

782 (d) A school district that fails to comply with s. 1012.335  
783 frustrates the purpose of ensuring that each student has a high-

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784 quality teacher in his or her classroom by preventing the school  
785 district from promptly removing a poor-performing classroom  
786 teacher from the classroom and employment.

787 (3) PERFORMANCE FUND.—Effective with the beginning of the  
788 2011-2012 year and each year thereafter, the Performance Fund  
789 for Instructional Personnel and School-Based Administrators is  
790 established.

791 (4) CALCULATION OF THE FUND.—The Commissioner of Education  
792 shall calculate for the second calculation for each district and  
793 charter school an amount of state funds equivalent to 5 percent  
794 of the total state, local, and federal funding determined by the  
795 Florida Education Finance Program under ss. 1011.62, 1011.685,  
796 and 1011.71(1) and (3). Such funds shall be designated as each  
797 district's and charter school's annual Performance Fund for  
798 Instructional Personnel and School-Based Administrators.

799 (5) DISTRIBUTION OF THE FUND.—

800 (a) The commissioner shall distribute these funds in  
801 accordance with the provisions of s. 1011.62(12) to a district  
802 for the implementation of a salary schedule adopted by the  
803 district school board pursuant to s. 1012.22, implementation of  
804 a performance appraisal system pursuant to s. 1012.34, and the  
805 development of end-of-course assessments pursuant to s.  
806 1008.222. The funds may not be used to increase the base  
807 salaries or salary adjustments of employees rated as  
808 unsatisfactory or needs improvement pursuant to s. 1012.34.

809 (b) If funds remain in a district's Performance Fund for  
810 Instructional Personnel and School-Based Administrators after  
811 the end-of-course assessments in s. 1008.222, performance  
812 appraisal system requirements in s. 1012.34, and salary schedule

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813 requirements in s. 1012.22 have been met, the balance may be  
814 used by the district for the same purpose as funds provided  
815 pursuant to s. 1011.62(1)(t). Any funds remaining in a  
816 district's fund at the end of the state fiscal year shall revert  
817 to the fund from which they were appropriated.

818 (c) A salary increase awarded from these funds shall be  
819 awarded in addition to any general increase or other adjustments  
820 to salaries which are made by a school district. An employee's  
821 eligibility for or receipt of a salary increase shall not  
822 adversely affect that employee's opportunity to qualify for or  
823 to receive any other compensation that is made generally  
824 available to other similarly situated district school board  
825 employees.

826 (d) Each district shall annually set aside sufficient  
827 federal grant funds to ensure that the policies described in  
828 this section are equally applied to eligible individuals paid  
829 from federal grants.

830 (6) REVIEW.—

831 (a) Beginning with the 2014-2015 fiscal year and each  
832 fiscal year thereafter, each district school board must submit  
833 the district-adopted salary schedule for the school year and  
834 supporting documentation to the commissioner for review on or  
835 before October 1 of each year. On or before December 15 of each  
836 year, the commissioner shall complete a review of each salary  
837 schedule submitted for that school year, determine compliance  
838 with s. 1012.22(1)(c), and notify a district school board if the  
839 district salary schedule fails to meet the requirements in s.  
840 1012.22(1)(c). The commissioner shall certify those school  
841 districts that do not comply with s. 1012.22(1)(c) to the

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842 Governor, the President of the Senate, and the Speaker of the  
843 House of Representatives on or before February 15 of each year.

844 (b) Beginning with the 2013-2014 fiscal year and  
845 thereafter, the commissioner shall select a sampling of school  
846 district end-of-course assessments from multiple districts, and  
847 school districts must submit for review the requested  
848 assessments and supporting documentation on or before October 1  
849 of each year. A school district that fails to provide the  
850 requested assessment to the commissioner on or before October 1  
851 of each year is in violation of s. 1008.222. On or before  
852 December 15 of each year, the commissioner shall complete a  
853 review of each selected assessment, determine compliance with s.  
854 1008.222, and notify a district school board if the selected  
855 assessment fails to meet the requirements in s. 1008.222. The  
856 commissioner shall certify those school districts that do not  
857 comply with s. 1008.222 to the Governor, the President of the  
858 Senate, and the Speaker of the House of Representatives on or  
859 before February 15 of each year.

860 (c) In the financial audit of each school district,  
861 performed by either the Auditor General or an independent  
862 certified public accountant in accordance with s. 218.39, the  
863 auditor shall review a sample of classroom teacher contracts and  
864 determine compliance with s. 1012.335. The sample shall be  
865 selected in accordance with guidelines established by the  
866 American Institute of Certified Public Accountants. The auditor  
867 shall document violations of s. 1012.335 and provide the  
868 documentation to the Commissioner of Education on or before  
869 October 1 of each year following the audit. On or before  
870 December 15 of each year, the commissioner shall notify the

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871 Governor, the President of the Senate, the Speaker of the House  
872 of Representatives, and each school district identified in the  
873 audit that has not complied with s. 1012.335.

874 (7) FUNDING ADJUSTMENT.—A school district that is certified  
875 by the commissioner as not in compliance with the law as  
876 described in paragraph (6) (a), paragraph (6) (b), or paragraph  
877 (6) (c) shall receive a funding adjustment equal to the amount  
878 calculated in subsection (4). Such funding adjustment shall be  
879 implemented through the withholding of undistributed funds to  
880 which the district is otherwise entitled. To the extent a  
881 district's undistributed funds are insufficient to fully satisfy  
882 the funding adjustment, the unsatisfied balance shall be  
883 withheld from the district's operating funds for the subsequent  
884 fiscal year in the form of a prior year adjustment.

885 (8) RULEMAKING.—The State Board of Education shall adopt  
886 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
887 section. Such rules shall include the documentation requirements  
888 for districts, processes and criteria used for determining  
889 whether the salary schedule, performance appraisal system, and  
890 end-of-course assessments comply with this section, and the  
891 reporting and monitoring processes that will be used to ensure  
892 compliance with the use of funds distributed under paragraph  
893 (5) (a).

894 Section 19. Subsection (2) of section 1011.69, Florida  
895 Statutes, is amended to read:

896 1011.69 Equity in School-Level Funding Act.—

897 (2) Beginning in the 2003-2004 fiscal year, district school  
898 boards shall allocate to schools within the district an average  
899 of 90 percent of the funds generated by all schools and

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900 guarantee that each school receives at least 80 percent of the  
901 funds generated by that school based upon the Florida Education  
902 Finance Program as provided in s. 1011.62 and the General  
903 Appropriations Act, including gross state and local funds,  
904 discretionary lottery funds, and funds from the school  
905 district's current operating discretionary millage levy. Total  
906 funding for each school shall be recalculated during the year to  
907 reflect the revised calculations under the Florida Education  
908 Finance Program by the state and the actual weighted full-time  
909 equivalent students reported by the school during the full-time  
910 equivalent student survey periods designated by the Commissioner  
911 of Education. If the district school board is providing programs  
912 or services to students funded by federal funds, any eligible  
913 students enrolled in the schools in the district shall be  
914 provided federal funds. ~~Only academic performance-based charter~~  
915 ~~school districts, pursuant to s. 1003.62, are exempt from the~~  
916 ~~provisions of this section.~~

917 Section 20. Subsection (4) of section 1012.05, Florida  
918 Statutes, is amended to read:

919 1012.05 Teacher recruitment and retention.-

920 (4) The Department of Education, in cooperation with  
921 district personnel offices, may shall sponsor virtual job fairs  
922 ~~a job fair in a central part of the state~~ to match high-quality,  
923 ~~in-state educators and potential educators~~ and out-of-state  
924 educators and potential educators with teaching opportunities in  
925 this state. The Department of Education is authorized to collect  
926 a job fair registration fee not to exceed ~~\$20 per person and a~~  
927 ~~booth fee not to exceed~~ \$250 per school district or other  
928 interested participating organization. The revenue from the fees



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929 shall be used to promote and operate the job fair. Funds may be  
930 used to purchase promotional items ~~such as mementos, awards, and~~  
931 ~~plaques.~~

932 Section 21. Section 1012.07, Florida Statutes, is amended  
933 to read:

934 1012.07 Identification of critical teacher shortage areas.—

935 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~  
936 ~~"critical teacher shortage area" means high-need content areas~~  
937 ~~applies to mathematics, science, career education, and high-~~  
938 ~~priority high priority location areas identified by-~~ the State  
939 Board of Education ~~may identify career education programs having~~  
940 ~~critical teacher shortages.~~ The State Board of Education shall  
941 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
942 annually identify ~~other~~ critical teacher shortage areas ~~and high~~  
943 ~~priority location areas.~~ The state board ~~must shall also~~  
944 consider current and emerging educational requirements and  
945 workforce demands ~~teacher characteristics such as ethnic~~  
946 ~~background, race, and sex~~ in determining critical teacher  
947 shortage areas. School grade levels may also be designated  
948 critical teacher shortage areas. Individual district school  
949 boards may identify and submit other critical teacher shortage  
950 areas. Such submissions ~~shortages~~ must be aligned to current and  
951 emerging educational requirements and workforce demands in order  
952 to be certified to and approved by the State Board of Education.  
953 High-priority High priority location areas shall be in high-  
954 density, low-economic urban schools, and low-density, low-  
955 economic rural schools, and schools identified as lowest  
956 performing under s. 1008.33(4)(b) ~~shall include schools which~~  
957 ~~meet criteria which include, but are not limited to, the~~

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958 ~~percentage of free lunches, the percentage of students under~~  
959 ~~Chapter I of the Education Consolidation and Improvement Act of~~  
960 ~~1981, and the faculty attrition rate.~~

961 ~~(2) This section shall be implemented only to the extent as~~  
962 ~~specifically funded and authorized by law.~~

963 Section 22. Effective July 1, 2014, paragraph (c) of  
964 subsection (1) of section 1012.22, Florida Statutes, is amended  
965 to read:

966 1012.22 Public school personnel; powers and duties of the  
967 district school board.—The district school board shall:

968 (1) Designate positions to be filled, prescribe  
969 qualifications for those positions, and provide for the  
970 appointment, compensation, promotion, suspension, and dismissal  
971 of employees as follows, subject to the requirements of this  
972 chapter:

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

974 1.a. As provided in this paragraph, the district school  
975 board shall adopt a salary schedule that compensates employees  
976 based on their performance. ~~The district school board shall~~  
977 ~~adopt a salary schedule or salary schedules designed to furnish~~  
978 ~~incentives for improvement in training and for continued~~  
979 ~~efficient service to be used as a basis for paying all school~~  
980 ~~employees and fix and authorize the compensation of school~~  
981 ~~employees on the basis thereof.~~

982 b.2. A district school board, in determining the salary  
983 adjustments schedule for instructional personnel and school-  
984 based administrators, must base a portion of each employee's  
985 adjustment only compensation on performance demonstrated under  
986 s. 1012.34, must consider the prior teaching experience of a

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987 ~~person who has been designated state teacher of the year by any~~  
988 ~~state in the United States, and must consider prior professional~~  
989 ~~experience in the field of education gained in positions in~~  
990 ~~addition to district level instructional and administrative~~  
991 ~~positions.~~

992 c.3. In developing the salary schedule, the district school  
993 board shall seek input from parents, teachers, and  
994 representatives of the business community.

995 ~~2.4. Beginning with the 2007-2008 academic year, Each~~  
996 ~~district school board shall adopt a salary adjustment for~~  
997 ~~schedule with differentiated pay for both instructional~~  
998 ~~personnel and school-based administrators. The salary schedule~~  
999 ~~is subject to negotiation as provided in chapter 447 and must~~  
1000 ~~allow differentiated pay based on the following:~~

1001 a. Assignment to a school in a high-priority location area,  
1002 as defined in State Board of Education rule, with continued  
1003 differentiated pay contingent upon documentation of performance  
1004 under s. 1012.34;

1005 b. Certification and teaching in critical teacher shortage  
1006 areas, as defined in State Board of Education rule, with  
1007 continued differentiated pay contingent upon documentation of  
1008 performance under s. 1012.34; and

1009 c. Assignment of additional academic responsibilities, with  
1010 continued differentiated pay contingent upon documentation of  
1011 performance under s. 1012.34.

1012 3. A district school board shall adopt a salary schedule  
1013 for beginning and renewing teachers as follows:

1014 a. A beginning teacher. For purposes of this sub-  
1015 subparagraph, the term "beginning teacher" is a classroom

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1016 teacher as defined in s. 1012.01(2) (a) who has no prior K-12  
1017 teaching experience.

1018 b. A teacher who holds a valid professional standard  
1019 certificate issued by another state and who is hired by the  
1020 district school board.

1021 c. A teacher who holds a valid professional certificate  
1022 issued pursuant to s. 1012.56, who has not taught in the  
1023 classroom at any time during the previous certification period,  
1024 and who is hired by the district school board.

1025 4. The salary schedule in subparagraph 3. shall be in  
1026 effect only for the first year that the teacher provides  
1027 instruction in a Florida K-12 classroom. A district school board  
1028 may not use length of service or degrees held as a factor in  
1029 setting a salary schedule ~~district-determined factors,~~  
1030 ~~including, but not limited to, additional responsibilities,~~  
1031 ~~school demographics, critical shortage areas, and level of job~~  
1032 ~~performance difficulties.~~

1033 Section 23. Section 1012.225, Florida Statutes, is  
1034 repealed.

1035 Section 24. Section 1012.2251, Florida Statutes, is  
1036 repealed.

1037 Section 25. Subsection (5) of section 1012.33, Florida  
1038 Statutes, is amended to read:

1039 1012.33 Contracts with instructional staff, supervisors,  
1040 and school principals.-

1041 (5) Should a district school board have to choose from  
1042 among its personnel who are on continuing contracts or  
1043 professional service contracts as to which should be retained,  
1044 such decisions shall be based primarily upon the employee's

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1045 ~~performance as provided in s. 1012.34 made pursuant to the terms~~  
1046 ~~of a collectively bargained agreement, when one exists. If no~~  
1047 ~~such agreement exists, the district school board shall prescribe~~  
1048 ~~rules to handle reductions in workforce.~~

1049 Section 26. Section 1012.335, Florida Statutes, is created  
1050 to read:

1051 1012.335 Contracts with classroom teachers hired on or  
1052 after July 1, 2010.-

1053 (1) DEFINITIONS.-As used in this section, the term:

1054 (a) "Annual contract" means a contract for a period of no  
1055 longer than 1 school year in which the district school board may  
1056 choose to renew or not renew without cause.

1057 (b) "Classroom teacher" means a classroom teacher as  
1058 defined in s. 1012.01(2)(a), excluding substitute teachers.

1059 (c) "Probationary contract" means a contract for a period  
1060 of no longer than 1 school year during which a classroom teacher  
1061 may be dismissed without cause or may resign from the  
1062 contractual position without breach of contract.

1063 (2) EMPLOYMENT.-

1064 (a) Beginning July 1, 2010, each person newly hired as a  
1065 classroom teacher by a school district shall receive a  
1066 probationary contract.

1067 (b) A classroom teacher may receive up to four annual  
1068 contracts in a school district in this state if the teacher:

1069 1. Holds a professional certificate as prescribed by s.  
1070 1012.56 and in the rules of the State Board of Education; and

1071 2. Has been recommended by the district school  
1072 superintendent for the annual contract and approved by the  
1073 district school board.

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1074 (c) A classroom teacher may not receive an annual contract  
1075 for the 6th year of teaching and thereafter unless the classroom  
1076 teacher:

1077 1. Holds a professional certificate as prescribed by s.  
1078 1012.56 and in the rules of the State Board of Education;

1079 2. Has been recommended by the district school  
1080 superintendent for the annual contract and approved by the  
1081 district school board; and

1082 3. Has received an effective or highly effective  
1083 designation on his or her appraisal pursuant to s. 1012.34 in at  
1084 least 2 of the 3 preceding years for each year an annual  
1085 contract is sought.

1086 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL  
1087 CONTRACT.—A classroom teacher who has an annual contract may be  
1088 suspended or dismissed at any time during the term of the  
1089 contract for just cause as provided in subsection (4). The  
1090 district school board must notify a classroom teacher in writing  
1091 whenever charges are made against the classroom teacher, and the  
1092 district school board may suspend him or her without pay.  
1093 However, if the charges are not sustained, the classroom teacher  
1094 shall be immediately reinstated and his or her back pay shall be  
1095 paid.

1096 (4) JUST CAUSE.—The State Board of Education shall adopt  
1097 rules to define the term "just cause." Just cause includes, but  
1098 is not limited to:

1099 (a) Immorality.

1100 (b) Misconduct in office.

1101 (c) Incompetency.

1102 (d) Gross insubordination.

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1103 (e) Willful neglect of duty.

1104 (f) Being convicted or found guilty of, or entering a plea  
 1105 of guilty to, regardless of adjudication of guilt, any crime  
 1106 involving moral turpitude.

1107 (g) Poor performance as demonstrated by a lack of student  
 1108 learning gains, as specified in s. 1012.34.

1109 Section 27. Section 1012.34, Florida Statutes, is amended  
 1110 to read:

1111 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1112 (1) For the purpose of increasing student achievement by  
 1113 improving the quality of instructional, administrative, and  
 1114 supervisory services in the public schools of the state, the  
 1115 district school superintendent shall establish procedures for  
 1116 evaluating ~~assessing~~ the performance of duties and  
 1117 responsibilities of all instructional, administrative, and  
 1118 supervisory personnel employed by the school district. The  
 1119 Department of Education must approve each district's  
 1120 instructional personnel appraisal ~~assessment~~ system and  
 1121 appraisal instruments. The Department of Education must approve  
 1122 each school-based administrator appraisal system and appraisal  
 1123 instruments. The department shall collect from each school  
 1124 district the annual performance ratings of all instructional and  
 1125 school-based administrative personnel and report the percentage  
 1126 of each of these employees receiving each rating category by  
 1127 school and by district to the Governor, the President of the  
 1128 Senate, and the Speaker of the House of Representatives.

1129 (2) The following conditions must be considered in the  
 1130 design of the district's instructional personnel appraisal  
 1131 ~~assessment~~ system:

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1132 (a) The system must be designed to support high-quality  
1133 instruction and increased academic achievement ~~district and~~  
1134 ~~school level improvement plans.~~

1135 (b) The system must provide appropriate appraisal  
1136 instruments, procedures, and criteria for continuous quality  
1137 improvement of the professional skills of instructional  
1138 personnel.

1139 (c) The system must include a mechanism to examine  
1140 performance data from multiple sources, which includes giving  
1141 ~~give~~ parents an opportunity to provide input into employee  
1142 performance appraisals ~~assessments when appropriate.~~

1143 (d) In addition to addressing generic teaching  
1144 competencies, districts must determine those teaching fields for  
1145 which special procedures and criteria will be developed.

1146 (e) Each district school board may establish a peer  
1147 assistance process. The plan may provide a mechanism for  
1148 assistance of persons who are placed on performance probation as  
1149 well as offer assistance to other employees who request it.

1150 (f) Each ~~The~~ district school board shall provide training  
1151 programs that are based upon guidelines provided by the  
1152 Department of Education to ensure that all individuals with  
1153 evaluation responsibilities understand the proper use of the  
1154 appraisal ~~assessment~~ criteria and procedures.

1155 (g) The system must differentiate among four levels of  
1156 performance: unsatisfactory, needs improvement, effective, and  
1157 highly effective. The Commissioner of Education shall consult  
1158 with performance pay experts and classroom teachers in  
1159 developing the performance levels. Beginning with the 2014-2015  
1160 school year and thereafter, instructional personnel and school-



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1161 based administrators may not be rated as effective or highly  
1162 effective if their students fail to demonstrate learning gains.

1163 (h) The system must include a process for monitoring the  
1164 effective and consistent use of appraisal criteria by  
1165 supervisors and administrators and a process for evaluating the  
1166 effectiveness of the system itself in improving the level of  
1167 instruction and learning in the district's schools.

1168 (3) The appraisal ~~assessment~~ procedure for instructional  
1169 personnel and school administrators must be ~~primarily~~ based on  
1170 the performance of students assigned to their classrooms or  
1171 schools, as described in paragraph (a) appropriate. ~~Pursuant to~~  
1172 ~~this section,~~ A school district's performance appraisal  
1173 ~~assessment~~ is not limited to basing unsatisfactory performance  
1174 of instructional personnel and school administrators upon  
1175 student performance, but may include other criteria approved to  
1176 evaluate ~~assess~~ instructional personnel and school  
1177 administrators' performance, or any combination of student  
1178 performance and other approved criteria. The procedures must  
1179 comply with, but are not limited to, the following requirements:

1180 (a) An appraisal ~~assessment~~ must be conducted for each  
1181 employee at least once a year, except that an appraisal for each  
1182 teacher, as described in s. 1012.22(1)(c)3., must be conducted  
1183 at least twice a year. ~~The assessment must be based upon sound~~  
1184 ~~educational principles and contemporary research in effective~~  
1185 ~~educational practices. The assessment must primarily use data~~  
1186 ~~and indicators of improvement in student performance assessed~~  
1187 ~~annually as specified in s. 1008.22 and may consider results of~~  
1188 ~~peer reviews in evaluating the employee's performance. Student~~  
1189 ~~performance must be measured by state assessments required under~~

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1190 ~~s. 1008.22 and by local assessments for subjects and grade~~  
1191 ~~levels not measured by the state assessment program.~~ The  
1192 appraisal assessment criteria must include, but are not limited  
1193 to, indicators that relate to the following:

1194 1. Performance of students.

1195 a. Beginning with the 2014-2015 school year and thereafter,  
1196 for the classroom teacher, the learning gains of students  
1197 assigned to the teacher must comprise more than 50 percent of  
1198 the determination of the classroom teacher's performance.  
1199 Beginning with the 2014-2015 school year and thereafter, for  
1200 instructional personnel, who are not classroom teachers, the  
1201 learning gains of students assigned to the school must comprise  
1202 more than 50 percent of the determination of the individual's  
1203 performance. A school district may use the learning gains of  
1204 students assigned to the classroom teacher for the preceding 3  
1205 years, or, for instructional personnel who are not classroom  
1206 teachers, the learning gains of students assigned to the school  
1207 for the preceding 3 years, to determine the individual's  
1208 performance. For purposes of this sub-subparagraph, "school"  
1209 means the school to which the instructional personnel, who is  
1210 not a classroom teacher, was assigned for the last 3 years.  
1211 Student learning gains are measured by state assessments  
1212 required under s. 1008.22, examinations in AP, IB, AICE, or a  
1213 national industry certification identified in the Industry  
1214 Certification Funding List pursuant to rules adopted by the  
1215 State Board of Education, or district assessments for subject  
1216 areas and grade levels as required under s. 1008.222.

1217 b. For instructional personnel, more than 50 percent of the  
1218 determination of the individual's performance must be based on

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1219 the performance of students assigned to their classrooms or  
1220 schools, as appropriate. Student performance must be measured by  
1221 state assessments required under s. 1008.22 and by local  
1222 assessments for subjects and grade levels not measured by the  
1223 state assessment program. This sub-subparagraph expires July 1,  
1224 2014.

1225 2. Instructional practice. For instructional personnel,  
1226 performance criteria must be based on the Florida Educator  
1227 Accomplished Practices adopted by the State Board of Education  
1228 by rule, which include:

1229 a. Ability to maintain appropriate discipline.

1230 ~~b.3. Knowledge of subject matter. The district school board~~  
1231 ~~shall make special provisions for evaluating teachers who are~~  
1232 ~~assigned to teach out-of-field.~~

1233 ~~c.4. Ability to plan and deliver effective instruction and~~  
1234 ~~the effective use of technology in the classroom.~~

1235 ~~d.5. Ability to use assessment data and other evidence of~~  
1236 ~~student learning to design and implement differentiated~~  
1237 ~~instructional strategies in order to meet individual student~~  
1238 ~~needs for remediation or acceleration evaluate instructional~~  
1239 ~~needs.~~

1240 ~~e.6. Ability to establish and maintain a positive~~  
1241 ~~collaborative relationship with students' families to increase~~  
1242 ~~student achievement.~~

1243 ~~f.7. Other professional competencies, responsibilities, and~~  
1244 ~~requirements as established by rules of the State Board of~~  
1245 ~~Education and policies of the district school board.~~

1246 3. Instructional leadership performance.

1247 a. Beginning with the 2014-2015 school year and thereafter,

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1248 for a school-based administrator, the learning gains of students  
1249 assigned to the school must comprise more than 50 percent of the  
1250 determination of the school-based administrator's performance. A  
1251 school district may use the learning gains of students assigned  
1252 to the school for the preceding 3 years to determine the school-  
1253 based administrator's performance. For purposes of this sub-  
1254 subparagraph, "school" means the school to which the  
1255 administrator was assigned for the last 3 years. Student  
1256 learning gains are measured by state assessments required under  
1257 s. 1008.22, examinations in AP, IB, AICE, or a national industry  
1258 certification identified in the Industry Certification Funding  
1259 List pursuant to rules adopted by the State Board of Education,  
1260 or district assessments for subject areas and grade levels as  
1261 required under s. 1008.222.

1262 b. For school-based administrators, more than 50 percent of  
1263 the determination of the individual's performance must be based  
1264 on the performance of students assigned to their schools.  
1265 Student performance must be measured by state assessments  
1266 required under s. 1008.22 and by local assessments for subjects  
1267 and grade levels not measured by the state assessment program.  
1268 This sub-subparagraph expires July 1, 2014.

1269 4. Instructional leadership practice. For a school-based  
1270 administrator, performance criteria must be based on the Florida  
1271 Principal Leadership Standards adopted by the State Board of  
1272 Education under s. 1012.986, which includes the ability to:

1273 a. Manage human, financial, and material resources so as to  
1274 maximize the share of resources used for direct instruction, as  
1275 opposed to overhead or other purposes; and

1276 b. Recruit and retain high-performing teachers.

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1277 (b) All personnel must be fully informed of the criteria  
1278 and procedures associated with the appraisal ~~assessment~~ process  
1279 before the appraisal ~~assessment~~ takes place.

1280 (c) The individual responsible for supervising the employee  
1281 must evaluate ~~assess~~ the employee's performance. The evaluator  
1282 must submit a written report of the appraisal ~~assessment~~ to the  
1283 district school superintendent for the purpose of reviewing the  
1284 employee's contract. The evaluator must submit the written  
1285 report to the employee no later than 10 days after the appraisal  
1286 ~~assessment~~ takes place. The evaluator must discuss the written  
1287 report of the appraisal ~~assessment~~ with the employee. The  
1288 employee shall have the right to initiate a written response to  
1289 the appraisal ~~assessment~~, and the response shall become a  
1290 permanent attachment to his or her personnel file.

1291 (d) If an employee is not performing his or her duties in a  
1292 satisfactory manner, the evaluator shall notify the employee in  
1293 writing of such determination. The notice must describe such  
1294 unsatisfactory performance and include notice of the following  
1295 procedural requirements:

1296 1. Upon delivery of a notice of unsatisfactory performance,  
1297 the evaluator must confer with the employee, make  
1298 recommendations with respect to specific areas of unsatisfactory  
1299 performance, and provide assistance in helping to correct  
1300 deficiencies within a prescribed period of time.

1301 2.a. If the employee holds an annual contract as provided  
1302 in s. 1012.335, and receives an unsatisfactory performance  
1303 appraisal pursuant to the criteria in subparagraph (a)2., the  
1304 employee may request a review of the appraisal by the district  
1305 school superintendent or his or her designee. The district

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1306 school superintendent may review the employee's appraisal.

1307 b. If the employee holds a professional service contract as  
1308 provided in s. 1012.33, the employee shall be placed on  
1309 performance probation and governed by the provisions of this  
1310 section for 90 calendar days following the receipt of the notice  
1311 of unsatisfactory performance to demonstrate corrective action.  
1312 School holidays and school vacation periods are not counted when  
1313 calculating the 90-calendar-day period. During the 90 calendar  
1314 days, the employee who holds a professional service contract  
1315 must be evaluated periodically and apprised of progress achieved  
1316 and must be provided assistance and inservice training  
1317 opportunities to help correct the noted performance  
1318 deficiencies. At any time during the 90 calendar days, the  
1319 employee who holds a professional service contract may request a  
1320 transfer to another appropriate position with a different  
1321 supervising administrator; however, a transfer does not extend  
1322 the period for correcting performance deficiencies.

1323 ~~c.b.~~ Within 14 days after the close of the 90 calendar  
1324 days, the evaluator must evaluate ~~assess~~ whether the performance  
1325 deficiencies have been corrected and forward a recommendation to  
1326 the district school superintendent. Within 14 days after  
1327 receiving the evaluator's recommendation, the district school  
1328 superintendent must notify the employee who holds a professional  
1329 service contract in writing whether the performance deficiencies  
1330 have been satisfactorily corrected and whether the district  
1331 school superintendent will recommend that the district school  
1332 board continue or terminate his or her employment contract. If  
1333 the employee wishes to contest the district school  
1334 superintendent's recommendation, the employee must, within 15

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1335 days after receipt of the district school superintendent's  
1336 recommendation, submit a written request for a hearing. The  
1337 hearing shall be conducted at the district school board's  
1338 election in accordance with one of the following procedures:

1339 (I) A direct hearing conducted by the district school board  
1340 within 60 days after receipt of the written appeal. The hearing  
1341 shall be conducted in accordance with the provisions of ss.  
1342 120.569 and 120.57. A majority vote of the membership of the  
1343 district school board shall be required to sustain the district  
1344 school superintendent's recommendation. The determination of the  
1345 district school board shall be final as to the sufficiency or  
1346 insufficiency of the grounds for termination of employment; or

1347 (II) A hearing conducted by an administrative law judge  
1348 assigned by the Division of Administrative Hearings of the  
1349 Department of Management Services. The hearing shall be  
1350 conducted within 60 days after receipt of the written appeal in  
1351 accordance with chapter 120. The recommendation of the  
1352 administrative law judge shall be made to the district school  
1353 board. A majority vote of the membership of the district school  
1354 board shall be required to sustain or change the administrative  
1355 law judge's recommendation. The determination of the district  
1356 school board shall be final as to the sufficiency or  
1357 insufficiency of the grounds for termination of employment.

1358 (4) The district school superintendent shall notify the  
1359 department of any instructional personnel who receive two  
1360 consecutive unsatisfactory evaluations and who have been given  
1361 written notice by the district that their employment is being  
1362 terminated or is not being renewed or that the district school  
1363 board intends to terminate, or not renew, their employment. The

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1364 department shall conduct an investigation to determine whether  
1365 action shall be taken against the certificateholder pursuant to  
1366 s. 1012.795(1)(c).

1367 (5) The district school superintendent shall develop a  
1368 mechanism for evaluating the effective use of appraisal  
1369 ~~assessment~~ criteria and evaluation procedures by administrators  
1370 who are assigned responsibility for evaluating the performance  
1371 of instructional personnel. The use of the appraisal ~~assessment~~  
1372 and evaluation procedures shall be considered as part of the  
1373 annual appraisal ~~assessment~~ of the administrator's performance.  
1374 The system must include a mechanism to give parents and teachers  
1375 an opportunity to provide input into the administrator's  
1376 performance assessment, ~~when appropriate~~.

1377 (6) Nothing in this section shall be construed to grant a  
1378 probationary employee a right to continued employment beyond the  
1379 term of his or her contract.

1380 (7) The district school board shall establish a procedure  
1381 annually reviewing instructional personnel appraisal ~~assessment~~  
1382 systems to determine compliance with this section. All  
1383 substantial revisions to an approved system must be reviewed and  
1384 approved by the district school board before being used to  
1385 evaluate ~~assess~~ instructional personnel. Upon request by a  
1386 school district, the department shall provide assistance in  
1387 developing, improving, or reviewing an appraisal ~~assessment~~  
1388 system.

1389 (8) The State Board of Education shall adopt rules pursuant  
1390 to ss. 120.536(1) and 120.54, that establish uniform guidelines  
1391 for the submission, review, and approval of district procedures  
1392 for the annual appraisal ~~assessment~~ of instructional personnel



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1393 and school-based administrative personnel and that include the  
 1394 method of calculating rates of student learning tied to  
 1395 differentiated levels of performance as provided for in  
 1396 paragraph (2)(g) and criteria for evaluating professional  
 1397 performance.

1398 Section 28. Subsection (3) is added to section 1012.42,  
 1399 Florida Statutes, to read:

1400 1012.42 Teacher teaching out-of-field.—

1401 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011  
 1402 school year, a district school board shall not assign any  
 1403 beginning teacher to teach reading, science, or mathematics if  
 1404 he or she is not certified in reading, science, or mathematics.

1405 Section 29. Section 1012.52, Florida Statutes, is repealed.

1406 Section 30. Paragraph (c) of subsection (2), subsections  
 1407 (5), (6), and (7), paragraph (b) of subsection (9), and  
 1408 subsection (17) of section 1012.56, Florida Statutes, are  
 1409 amended to read:

1410 1012.56 Educator certification requirements.—

1411 (2) ELIGIBILITY CRITERIA.—To be eligible to seek  
 1412 certification, a person must:

1413 (c) Document receipt of a bachelor's or higher degree from  
 1414 an accredited institution of higher learning, or a nonaccredited  
 1415 institution of higher learning that the Department of Education  
 1416 has identified as having a quality program resulting in a  
 1417 bachelor's degree, or higher. Each applicant seeking initial  
 1418 certification must have attained at least a 2.5 overall grade  
 1419 point average on a 4.0 scale in the applicant's major field of  
 1420 study. The applicant may document the required education by  
 1421 submitting official transcripts from institutions of higher

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1422 education or by authorizing the direct submission of such  
1423 official transcripts through established electronic network  
1424 systems. The bachelor's or higher degree may not be required in  
1425 areas approved in rule by the State Board of Education as  
1426 nondegreed areas. The State Board of Education may adopt rules  
1427 that, for purposes of demonstrating completion of certification  
1428 requirements specified in state board rule, allow for the  
1429 acceptance of college course credits recommended by the American  
1430 Council on Education (ACE), as posted on an official ACE  
1431 transcript.

1432 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
1433 demonstrating mastery of subject area knowledge are:

1434 (a) Achievement of passing scores on subject area  
1435 examinations required by state board rule, which may include,  
1436 but need not be limited to, world languages in Arabic, Chinese,  
1437 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,  
1438 Italian, Japanese, Portuguese, Russian, and Spanish;

1439 (b) Completion of a bachelor's degree or higher and  
1440 verification of the attainment of an oral proficiency interview  
1441 score above the intermediate level and a written proficiency  
1442 score above the intermediate level on a test administered by the  
1443 American Council on the Teaching of Foreign Languages for which  
1444 there is no Florida-developed examination;

1445 (c) Completion of the subject area specialization  
1446 requirements specified in state board rule and verification of  
1447 the attainment of the essential subject matter competencies by  
1448 the district school superintendent of the employing school  
1449 district or chief administrative officer of the employing state-  
1450 supported or private school for a subject area for which a

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1451 subject area examination has not been developed and required by  
1452 state board rule;

1453 (d) Completion of the subject area specialization  
1454 requirements specified in state board rule for a subject  
1455 coverage requiring a master's or higher degree and achievement  
1456 of a passing score on the subject area examination specified in  
1457 state board rule;

1458 (e) A valid professional standard teaching certificate  
1459 issued by another state and achievement of a passing score on  
1460 the subject area exam specified in State Board of Education rule  
1461 or by a full demonstration of mastery of his or her ability to  
1462 teach the subject area for which he or she is seeking  
1463 certification, as provided by rules of the State Board of  
1464 Education; or

1465 (f) A valid certificate issued by the National Board for  
1466 Professional Teaching Standards or a national educator  
1467 credentialing board approved by the State Board of Education.

1468  
1469 School districts are encouraged to provide mechanisms for those  
1470 middle school teachers holding only a K-6 teaching certificate  
1471 to obtain a subject area coverage for middle grades through  
1472 postsecondary coursework or district add-on certification.

1473 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
1474 COMPETENCE.—Acceptable means of demonstrating mastery of  
1475 professional preparation and education competence are:

1476 (a) Completion of an approved teacher preparation program  
1477 at a postsecondary educational institution within this state and  
1478 achievement of a passing score on the professional education  
1479 competency examination required by state board rule;

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- 1480 (b) Completion of a teacher preparation program at a  
1481 postsecondary educational institution outside Florida and  
1482 achievement of a passing score on the professional education  
1483 competency examination required by state board rule;
- 1484 (c) A valid professional standard teaching certificate  
1485 issued by another state;
- 1486 (d) A valid certificate issued by the National Board for  
1487 Professional Teaching Standards or a national educator  
1488 credentialing board approved by the State Board of Education;
- 1489 (e) Documentation of two semesters of successful teaching  
1490 in a community college, state university, or private college or  
1491 university that awards an associate or higher degree and is an  
1492 accredited institution or an institution of higher education  
1493 identified by the Department of Education as having a quality  
1494 program;
- 1495 (f) Completion of professional preparation courses as  
1496 specified in state board rule, successful completion of a  
1497 professional education competence demonstration program pursuant  
1498 to paragraph (8)(b), and achievement of a passing score on the  
1499 professional education competency examination required by state  
1500 board rule;
- 1501 (g) Successful completion of a professional preparation  
1502 alternative certification and education competency program,  
1503 outlined in paragraph (8)(a); ~~or~~
- 1504 (h) Successful completion of an alternative certification  
1505 program pursuant to s. 1004.85 and achievement of a passing  
1506 score on the professional education competency examination  
1507 required by rule of the State Board of Education; or-
- 1508 (i) Successful completion of a professional education

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1509 training program provided by Teach for America and achievement  
 1510 of a passing score on the professional education competency  
 1511 examination required by rule of the State Board of Education.

1512 (7) TYPES AND TERMS OF CERTIFICATION.—

1513 (a) The Department of Education shall issue a professional  
 1514 certificate for a period not to exceed 5 years to any applicant  
 1515 who meets all the requirements outlined in subsection (2).

1516 (b) The department shall issue a temporary certificate to  
 1517 any applicant who meets the following requirements:

1518 1. Completes the requirements outlined in paragraphs  
 1519 (2) (a)-(f); ~~and~~

1520 2.a. Completes the subject area content requirements  
 1521 specified in state board rule; or

1522 b. Demonstrates mastery of subject area knowledge pursuant  
 1523 to subsection (5); and

1524 3. Holds an accredited degree or a degree approved by the  
 1525 Department of Education at the level required for the subject  
 1526 area specialization in state board rule.

1527 (c) The department shall issue one nonrenewable 2-year  
 1528 temporary certificate and one nonrenewable 5-year professional  
 1529 certificate to a qualified applicant who holds a bachelor's  
 1530 degree in the area of speech-language impairment to allow for  
 1531 completion of a master's degree program in speech-language  
 1532 impairment.

1533  
 1534 Each temporary certificate is valid for 3 school fiscal years  
 1535 and is nonrenewable. However, the requirement in paragraphs  
 1536 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of  
 1537 the date of employment under the temporary certificate.

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1538 Individuals who are employed under contract at the end of the 1  
1539 calendar year time period may continue to be employed through  
1540 the end of the school year in which they have been contracted. A  
1541 school district shall not employ, or continue the employment of,  
1542 an individual in a position for which a temporary certificate is  
1543 required beyond this time period if the individual has not met  
1544 the requirement of paragraph (2)(g) or paragraph (2)(h). The  
1545 State Board of Education shall adopt rules to allow the  
1546 department to extend the validity period of a temporary  
1547 certificate for 2 years when the requirements for the  
1548 professional certificate, not including the requirement in  
1549 paragraph (2)(g) or paragraph (2)(h), were not completed due to  
1550 the serious illness or injury of the applicant or other  
1551 extraordinary extenuating circumstances. The department shall  
1552 reissue the temporary certificate for 2 additional years upon  
1553 approval by the Commissioner of Education. A written request for  
1554 reissuance of the certificate shall be submitted by the district  
1555 school superintendent, the governing authority of a university  
1556 lab school, the governing authority of a state-supported school,  
1557 or the governing authority of a private school.

1558 (9) EXAMINATIONS.—

1559 (b) The State Board of Education shall, by rule, specify  
1560 the examination scores that are required for the issuance of a  
1561 professional certificate and temporary certificate. Such rules  
1562 must define generic subject area and reading instruction  
1563 competencies and must establish uniform evaluation guidelines.  
1564 The State Board of Education shall review the current subject  
1565 area examinations and, if necessary, revise the passing scores  
1566 and reading instruction pursuant to s. 1001.215 required for

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1567 achieving certification in order to match expectations for  
1568 teacher competency in each subject area.

1569 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—

1570 ~~Beginning with the 2003-2004 school year,~~ The Department of  
1571 Education shall conduct a longitudinal study to compare  
1572 performance of certificateholders who are employed in Florida  
1573 school districts. The study shall compare ~~a sampling of~~  
1574 educators who have qualified for a professional certificate  
1575 ~~since July 1, 2002,~~ based on the following:

1576 (a) Graduation from a state-approved teacher preparation  
1577 program.

1578 (b) Completion of a state-approved professional preparation  
1579 and education competency program.

1580 (c) A valid standard teaching certificate issued by a state  
1581 other than Florida.

1582  
1583 The department comparisons shall be made to determine if there  
1584 is any significant difference in the performance of these groups  
1585 of teachers, as measured by their students' achievement levels  
1586 and learning gains as measured by s. 1008.22.

1587 Section 31. Paragraph (b) of subsection (2) and subsection  
1588 (5) of section 1012.585, Florida Statutes, are amended, and  
1589 subsection (6) is added to that section, to read:

1590 1012.585 Process for renewal of professional certificates.—

1591 (2)

1592 (b) A teacher with national certification from the National  
1593 Board for Professional Teaching Standards is deemed to meet  
1594 state renewal requirements ~~for the life of the teacher's~~  
1595 ~~national certificate~~ in the subject shown on the national

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1596 certificate. A complete renewal application and fee shall be  
1597 submitted. The Commissioner of Education shall notify teachers  
1598 of the renewal application and fee requirements. This paragraph  
1599 expires July 1, 2014.

1600 (5) The State Board of Education shall adopt rules to allow  
1601 the reinstatement of expired professional certificates. The  
1602 department may reinstate an expired professional certificate if  
1603 the certificateholder:

1604 (a) Submits an application for reinstatement of the expired  
1605 certificate.

1606 (b) Documents completion of 6 college credits during the 5  
1607 years immediately preceding reinstatement of the expired  
1608 certificate, completion of 120 inservice points, or a  
1609 combination thereof, in an area specified in paragraph (3) (a).

1610 (c) Meets the requirements in subsection (6).

1611 (d) ~~(e)~~ During the 5 years immediately preceding  
1612 reinstatement of the certificate, achieves a passing score on  
1613 the subject area test for each subject to be shown on the  
1614 reinstated certificate.

1615  
1616 The requirements of this subsection may not be satisfied by  
1617 subject area tests or college credits completed for issuance of  
1618 the certificate that has expired.

1619 (6) Beginning with the 2014-2015 school year, the  
1620 requirements for the renewal of a professional certificate shall  
1621 include documentation of effective or highly effective  
1622 performance as demonstrated under s. 1012.34 for at least 4 of  
1623 the preceding 5 years before the renewal certification is  
1624 sought. The State Board of Education shall adopt rules to define



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1625 the process for documenting effective performance under this  
1626 subsection, including equivalent options for individuals who  
1627 have not been evaluated under s. 1012.34. An individual's  
1628 certificate shall expire if the individual is not able to  
1629 demonstrate effective performance as required under this  
1630 subsection and the rules of the state board. The individual may  
1631 apply to reinstate his or her professional certificate under  
1632 subsection (5).

1633 Section 32. Section 1012.72, Florida Statutes, is repealed.

1634 Section 33. Subsection (1) of section 1012.79, Florida  
1635 Statutes, is amended to read:

1636 1012.79 Education Practices Commission; organization.—

1637 (1) The Education Practices Commission consists of 25  
1638 members, including 11 ~~8~~ teachers; 5 administrators, at least one  
1639 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,  
1640 3 ~~5~~ of whom shall be parents of public school students and who  
1641 are unrelated to public school employees and 2 of whom shall be  
1642 former district school board members; and 4 ~~5~~ sworn law  
1643 enforcement officials, appointed by the State Board of Education  
1644 from nominations by the Commissioner of Education and subject to  
1645 Senate confirmation. Prior to making nominations, the  
1646 commissioner shall consult with teaching associations, parent  
1647 organizations, law enforcement agencies, and other involved  
1648 associations in the state. In making nominations, the  
1649 commissioner shall attempt to achieve equal geographical  
1650 representation, as closely as possible.

1651 (a) A teacher member, in order to be qualified for  
1652 appointment:

1653 1. Must be certified to teach in the state.

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1654 2. Must be a resident of the state.

1655 3. Must have practiced the profession ~~in this state~~ for at  
1656 least 10 years, with at least 5 years of experience in this  
1657 state immediately preceding the appointment.

1658 (b) A school administrator member, in order to be qualified  
1659 for appointment:

1660 1. Must have an endorsement on the educator certificate in  
1661 the area of school administration or supervision.

1662 2. Must be a resident of the state.

1663 3. Must have practiced the profession as an administrator  
1664 for at least 5 years immediately preceding the appointment.

1665 (c) The lay members must be residents of the state.

1666 (d) The law enforcement official members must have served  
1667 in the profession for at least 5 years immediately preceding  
1668 appointment and have background expertise in child safety.

1669 Section 34. Paragraph (h) of subsection (1) of section  
1670 1012.795, Florida Statutes, is amended to read:

1671 1012.795 Education Practices Commission; authority to  
1672 discipline.—

1673 (1) The Education Practices Commission may suspend the  
1674 educator certificate of any person as defined in s. 1012.01(2)  
1675 or (3) for up to 5 years, thereby denying that person the right  
1676 to teach or otherwise be employed by a district school board or  
1677 public school in any capacity requiring direct contact with  
1678 students for that period of time, after which the holder may  
1679 return to teaching as provided in subsection (4); may revoke the  
1680 educator certificate of any person, thereby denying that person  
1681 the right to teach or otherwise be employed by a district school  
1682 board or public school in any capacity requiring direct contact

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1683 with students for up to 10 years, with reinstatement subject to  
1684 the provisions of subsection (4); may revoke permanently the  
1685 educator certificate of any person thereby denying that person  
1686 the right to teach or otherwise be employed by a district school  
1687 board or public school in any capacity requiring direct contact  
1688 with students; may suspend the educator certificate, upon an  
1689 order of the court or notice by the Department of Revenue  
1690 relating to the payment of child support; or may impose any  
1691 other penalty provided by law, if the person:

1692 (h) Has breached a contract, as provided in s. 1012.33(2)  
1693 or s. 1012.335.

1694 Section 35. Review of teacher preparation program funding.-

1695 (1) The Department of Education, in collaboration with the  
1696 Board of Governors, shall develop a methodology to determine the  
1697 cost-effectiveness of the teacher preparation programs in ss.  
1698 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The  
1699 methodology for determining program costs must use existing  
1700 expenditure data, when available.

1701 (2) On or before December 1, 2011, the Department of  
1702 Education shall submit a report to the Governor, the President  
1703 of the Senate, and the Speaker of the House of Representatives  
1704 which:

1705 (a) Provides a methodology to evaluate the cost-  
1706 effectiveness of teacher preparation programs based on program  
1707 costs, program outcomes of student cohorts such as completion  
1708 rates, placement rates in teaching jobs, retention rates in the  
1709 classroom, and student achievement and learning gains of  
1710 students taught by graduates;

1711 (b) Uses the methodology developed to evaluate the cost-

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1712 effectiveness of the state's teacher preparation programs; and

1713 (c) Provides recommendations that would enhance the  
1714 Legislature's ability to consider the program's productivity  
1715 when allocating funds.

1716 (3) The Office of Program Policy Analysis and Government  
1717 Accountability shall review the current standards for the  
1718 continued approval of teacher preparation programs and make  
1719 recommendations to the Legislature on or before January 1, 2012,  
1720 for any needed changes. Such recommendations shall include  
1721 proposed changes to the allocation of any state funds to teacher  
1722 preparation programs and the students enrolled in these  
1723 programs.

1724 Section 36. Sections 1008.222, 1011.626, 1012.335, Florida  
1725 Statutes, as created by this act, and ss. 1012.22, 1012.33, and  
1726 1012.34, Florida Statutes, as amended by this act, do not apply  
1727 until July 1, 2016, for each school district that receives a  
1728 grant of \$75 million or more from a private foundation for the  
1729 purpose of improving the effectiveness of teachers within the  
1730 school district, unless the grant is terminated by the private  
1731 foundation for noncompliance before such date. If a grant is  
1732 terminated by the private foundation for noncompliance, the  
1733 provisions of ss. 1008.222, 1011.626, and 1012.335, Florida  
1734 Statutes, as created by this act, and ss. 1012.22, 1012.33, and  
1735 1012.34, Florida Statutes, as amended by this act, shall apply  
1736 to the school district beginning with July 1 of the following  
1737 school year.

1738 Section 37. If any provision of this act or its application  
1739 to any person or circumstance is held invalid, the invalidity  
1740 does not affect other provisions or applications of the act

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1741 which can be given effect without the invalid provision or  
1742 application, and to this end the provisions of this act are  
1743 severable.

1744 Section 38. The amendments to ss. 1012.22 and 1012.33,  
1745 Florida Statutes, shall apply to contracts newly entered into,  
1746 extended, or readopted on or after July 1, 2010, and to all  
1747 contracts on or after July 1, 2013.

1748 Section 39. Except as otherwise expressly provided in this  
1749 act, this act shall take effect July 1, 2010.