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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.; amending s. 1012.72, F.S.;

160 limiting bonuses under the Dale Hickam Excellent
161 Teaching Program to individuals who remain
162 continuously employed in a public school in this state
163 or the Florida School for the Deaf and the Blind;
164 amending s. 1012.79, F.S.; revising the composition of
165 the Education Practices Commission; conforming
166 provisions to changes made by the act; amending s.
167 1012.795, F.S.; conforming provisions to changes made
168 by the act; requiring that the Department of Education
169 submit a report on the cost-effectiveness of teacher
170 preparation programs to the Governor and the
171 Legislature by a specified date; specifying the report
172 requirements; requiring that the Office of Program
173 Policy Analysis and Government Accountability submit
174 recommendations to the Legislature relating to changes

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175 in the criteria for the continued approval of teacher
176 preparation programs; authorizing school districts to
177 seek an exemption from the State Board of Education
178 from the requirement of certain laws; authorizing the
179 State Board of Education to adopt rules; providing for
180 severability; providing for application of a specified
181 provision of the act; providing effective dates.

182
183 Be It Enacted by the Legislature of the State of Florida:

184
185 Section 1. Paragraph (t) is added to subsection (2) of
186 section 39.202, Florida Statutes, to read:

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

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

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

196 Section 2. Paragraph (c) of subsection (2) of section
197 447.403, Florida Statutes, is amended to read:

198 447.403 Resolution of impasses.—

199 (2)

200 ~~(c) If the district school board is the public employer and~~
201 ~~an impasse is declared under subsection (1) involving a dispute~~
202 ~~of a Merit Award Program plan under s. 1012.225, the dispute is~~
203 ~~subject to an expedited impasse hearing. Notwithstanding~~

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204 ~~subsections (3), (4), and (5), and the rules adopted by the~~
205 ~~commission, the following procedures shall apply:~~

206 ~~1.a. The commission shall furnish the names of seven~~
207 ~~special magistrates within 5 days after receiving notice of~~
208 ~~impasse. If the parties are unable to agree upon a special~~
209 ~~magistrate within 5 days after the date of the letter~~
210 ~~transmitting the list of choices, the commission shall~~
211 ~~immediately appoint a special magistrate. The special magistrate~~
212 ~~shall set the hearing, which shall be held no later than 15 days~~
213 ~~after the date of appointment of the special magistrate. Within~~
214 ~~5 days after the date of appointment of a special magistrate,~~
215 ~~each party shall serve upon the special magistrate and upon each~~
216 ~~other party a written list of issues at impasse.~~

217 ~~b. At the close of the hearing, the parties shall summarize~~
218 ~~their arguments and may provide a written memorandum in support~~
219 ~~of their positions.~~

220 ~~c. Within 10 days after the close of the hearing, the~~
221 ~~special magistrate shall transmit a recommended decision to the~~
222 ~~commission and the parties.~~

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

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

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233 Section 3. Paragraph (c) is added to subsection (16) of
234 section 1002.33, Florida Statutes, paragraph (a) of subsection
235 (20) of that section is amended, present subsection (26) of that
236 section is redesignated as subsection (27), and a new subsection
237 (26) is added to that section, to read:

238 1002.33 Charter schools.—

239 (16) EXEMPTION FROM STATUTES.—

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

241 1. A charter school may not award a professional service
242 contract or similar contract to a classroom teacher hired on or
243 after July 1, 2010.

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

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

255 a. Administer assessments that comply with s. 1008.222.
256 However, a charter school may use its own assessments if the
257 assessments comply with s. 1008.222;

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

260 c. Adopt a performance appraisal system that complies with
261 s. 1012.34.

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262 (20) SERVICES.—

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

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291 for all students. However, a sponsor may only withhold up to a
292 5-percent administrative fee for enrollment for up to and
293 including 500 students. For charter schools with a population of
294 501 or more students, the difference between the total
295 administrative fee calculation and the amount of the
296 administrative fee withheld may only be used for capital outlay
297 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
298 ~~receive 100 percent of the funds awarded to that school pursuant~~
299 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
300 additional fees or surcharges for administrative and educational
301 services in addition to the maximum 5-percent administrative fee
302 withheld pursuant to this paragraph.

303 (26) FUNDING AND COMPLIANCE.-

304 (a) Effective with the beginning of the 2011-2012 year, and
305 each year thereafter, the Commissioner of Education shall
306 calculate and distribute funds from the Performance Fund for
307 Instructional Personnel and School-Based Administrators in s.
308 1011.626 to charter schools in the same manner as for school
309 districts. Charter schools must meet the requirements in s.
310 1011.626(5).

311 (b) By September 15 of each year, each charter school
312 governing board shall certify to the Commissioner of Education
313 that its school meets the requirements in paragraph (16)(c). The
314 commissioner shall verify compliance with paragraph (16)(c) by
315 selecting a sample of charter schools each year to provide
316 information to determine compliance. On or before October 1 of
317 each year, a selected charter school must submit the requested
318 information to the commissioner. On or before December 15 of
319 each year, the commissioner shall complete a review of each

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

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

335 1003.52 Educational services in Department of Juvenile
336 Justice programs.—

337 (10) The district school board shall recruit and train
338 teachers who are interested, qualified, or experienced in
339 educating students in juvenile justice programs. Students in
340 juvenile justice programs shall be provided a wide range of
341 educational programs and opportunities including textbooks,
342 technology, instructional support, and other resources available
343 to students in public schools. Teachers assigned to educational
344 programs in juvenile justice settings in which the district
345 school board operates the educational program shall be selected
346 by the district school board in consultation with the director
347 of the juvenile justice facility. Educational programs in
348 juvenile justice facilities shall have access to the substitute

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349 teacher pool utilized by the district school board. Full-time
350 teachers working in juvenile justice schools, whether employed
351 by a district school board or a provider, shall be eligible for
352 ~~the critical teacher shortage tuition reimbursement program as~~
353 ~~defined by s. 1009.58 and other~~ teacher recruitment and
354 retention programs.

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

356 Section 6. Paragraph (h) of subsection (2) of section
357 1003.621, Florida Statutes, is amended to read:

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

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

370 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
371 differentiated pay and performance-pay policies for school
372 administrators and instructional personnel, and s. 1012.34,
373 relating to appraisal procedures and criteria. Professional
374 service contracts are subject to the provisions of s. ~~ss.~~
375 1012.33 and 1012.34. Contracts with classroom teachers hired on
376 or after July 1, 2010, are subject to s. 1012.335.

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

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

381 1004.04 Public accountability and state approval for
382 teacher preparation programs.—

383 (4) INITIAL STATE PROGRAM APPROVAL.—

384 (b) Each teacher preparation program approved by the
385 Department of Education, as provided for by this section, shall
386 require students to meet the following as prerequisites for
387 admission into the program:

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

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

402
403 ~~Each teacher preparation program may waive these admissions~~
404 ~~requirements for up to 10 percent of the students admitted.~~
405 ~~Programs shall implement strategies to ensure that students~~
406 ~~admitted under a waiver receive assistance to demonstrate~~

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407 ~~competencies to successfully meet requirements for~~
408 ~~certification.~~

409 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
410 (4), failure by a public or nonpublic teacher preparation
411 program to meet the criteria for continued program approval
412 shall result in loss of program approval. The Department of
413 Education, in collaboration with the departments and colleges of
414 education, shall develop procedures for continued program
415 approval that document the continuous improvement of program
416 processes and graduates' performance.

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

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

431 (c) ~~(b)~~ Additional criteria for continued program approval
432 for public institutions may be approved by the State Board of
433 Education. Such criteria must emphasize instruction in classroom
434 management and must provide for the evaluation of the teacher
435 candidates' performance in this area. The criteria shall also

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436 require instruction in working with underachieving students.
437 Program evaluation procedures must include, but are not limited
438 to, program graduates' satisfaction with instruction and the
439 program's responsiveness to local school districts. Additional
440 criteria for continued program approval for nonpublic
441 institutions shall be developed in the same manner as for public
442 institutions; however, such criteria must be based upon
443 significant, objective, and quantifiable graduate performance
444 measures. Responsibility for collecting data on outcome measures
445 through survey instruments and other appropriate means shall be
446 shared by the postsecondary educational institutions and the
447 Department of Education. By January 1 of each year, the
448 Department of Education shall report this information for each
449 postsecondary educational institution that has state-approved
450 programs of teacher education to the Governor, the State Board
451 of Education, the Board of Governors, the Commissioner of
452 Education, the President of the Senate, the Speaker of the House
453 of Representatives, all Florida postsecondary teacher
454 preparation programs, and interested members of the public. This
455 report must analyze the data and make recommendations for
456 improving teacher preparation programs in the state.

457 (d)~~(e)~~ Continued approval for a teacher preparation program
458 is contingent upon the results of periodic reviews, on a
459 schedule established by the State Board of Education, of the
460 program conducted by the postsecondary educational institution,
461 using procedures and criteria outlined in an institutional
462 program evaluation plan approved by the Department of Education,
463 which must include the program's review of and response to the
464 effect of its candidates and graduates on K-12 student learning.

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465 This plan must also incorporate and respond to the criteria
466 established in paragraphs ~~(a) and (b)~~ and (c) and include
467 provisions for involving primary stakeholders, such as program
468 graduates, district school personnel, classroom teachers,
469 principals, community agencies, and business representatives in
470 the evaluation process. Upon request by an institution, the
471 department shall provide assistance in developing, enhancing, or
472 reviewing the institutional program evaluation plan and training
473 evaluation team members.

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

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

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494 district and the postsecondary educational institution that
495 includes specific learning outcomes. The postsecondary
496 educational institution assumes no responsibility for the
497 educator's employment contract with the employer. ~~Employer~~
498 ~~satisfaction shall be determined by an annually administered~~
499 ~~survey instrument approved by the Department of Education that,~~
500 ~~at a minimum, must include employer satisfaction of the~~
501 ~~graduates' ability to do the following:~~

502 ~~1. Write and speak in a logical and understandable style~~
503 ~~with appropriate grammar.~~

504 ~~2. Recognize signs of students' difficulty with the reading~~
505 ~~and computational process and apply appropriate measures to~~
506 ~~improve students' reading and computational performance.~~

507 ~~3. Use and integrate appropriate technology in teaching and~~
508 ~~learning processes.~~

509 ~~4. Demonstrate knowledge and understanding of Sunshine~~
510 ~~State Standards.~~

511 ~~5. Maintain an orderly and disciplined classroom conducive~~
512 ~~to student learning.~~

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

522 a. The percent of graduates obtaining full-time teaching

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523 employment within the first year of graduation.

524 b. The average length of stay of graduates in their full-
525 time teaching positions.

526 c. The percentage of graduates whose students achieved
527 learning gains, as specified in paragraph (a). For purposes of
528 this paragraph, the information shall include the percentage of
529 the students taught per graduate who achieved learning gains.
530 ~~Satisfaction ratings required in paragraph (e).~~

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

541 a. Average length of stay of graduates in their teaching
542 positions.

543 b. The percent of graduates obtaining full-time teaching
544 employment within the first year of graduation. ~~Satisfaction~~
545 ~~ratings of graduates' employers.~~

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

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552 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary
553 instructors, school district personnel and instructional
554 personnel, and school sites preparing instructional personnel
555 through preservice field experience courses and internships
556 shall meet special requirements. District school boards are
557 authorized to pay student teachers during their internships.

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

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

573 (c) Preservice field experience programs must provide for
574 continuous student participation in K-12 classroom settings with
575 supervised instruction of K-12 students. All preservice field
576 experience programs must provide specific guidance and
577 demonstration of effective classroom management strategies,
578 strategies for incorporating technology into classroom
579 instruction, strategies for incorporating scientifically
580 researched, knowledge-based reading literacy and computational

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581 skills acquisition into classroom instruction, and ways to link
582 instructional plans to the Sunshine State Standards, as
583 appropriate. The length of structured field experiences may be
584 extended to ensure that candidates achieve the competencies
585 needed to meet certification requirements.

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

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

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

604 1004.85 Postsecondary educator preparation institutes.—

605 (3) Educator preparation institutes approved pursuant to
606 this section may offer alternative certification programs
607 specifically designed for noneducation major baccalaureate
608 degree holders to enable program participants to meet the
609 educator certification requirements of s. 1012.56. Such programs

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610 shall be competency-based educator certification preparation
611 programs that prepare educators through an alternative route. An
612 educator preparation institute choosing to offer an alternative
613 certification program pursuant to the provisions of this section
614 must implement a program previously approved by the Department
615 of Education for this purpose or a program developed by the
616 institute and approved by the department for this purpose.
617 Approved programs shall be available for use by other approved
618 educator preparation institutes.

619 (b) Each program participant must:

620 1. Meet certification requirements pursuant to s.
621 1012.56(1) and (2) by obtaining a statement of status of
622 eligibility prior to admission into the program which indicates
623 eligibility for a temporary certificate in a teaching subject
624 and meet the requirements of s. 1012.56(2)(a)-(f).

625 2. Participate in field experience that is appropriate to
626 his or her educational plan.

627 3. Demonstrate mastery of general knowledge by one of the
628 options provided in s. 1012.56(3) prior to completion of the
629 program.

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

638 (4) Each alternative certification program ~~institute~~

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639 approved pursuant to this section shall submit to the Department
640 of Education annual performance evaluations that measure the
641 effectiveness of the programs, including the pass rates of
642 participants on all examinations required for teacher
643 certification, employment rates, longitudinal retention rates,
644 and a review of the impact that participants who have completed
645 the program have on K-12 student learning and employer
646 satisfaction surveys. The employer satisfaction surveys must be
647 designed to measure the sufficient preparation of the educator
648 to enter the classroom. These evaluations and evidence of
649 student learning gains, as measured by state assessments
650 required under s. 1008.22, shall be used by the Department of
651 Education for purposes of continued approval of an educator
652 preparation institute's alternative certification program.

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

658 Section 11. Section 1008.222, Florida Statutes, is created
659 to read:

660 1008.222 Development and implementation of end-of-course
661 assessments of certain subject areas and grade levels.—

662 (1) Each school district must develop or acquire a valid
663 and reliable end-of-course assessment for each subject area and
664 grade level not measured by state assessments required under s.
665 1008.22 or by examinations in AP, IB, AICE, or a national
666 industry certification identified in the Industry Certification
667 Funding List pursuant to rules adopted by the State Board of

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668 Education. The content, knowledge, and skills assessed by end-
669 of-course assessments for each school district must be aligned
670 to the core curricular content established in the Sunshine State
671 Standards.

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

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

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

695 (d) The Commissioner of Education shall identify methods to
696 assist and support districts in the development and acquisition

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697 of assessments required under this section. Methods may include
698 the development of item banks, facilitation of the sharing of
699 developed tests among districts, and technical assistance in
700 best professional practices of test development based on state-
701 adopted curriculum standards, administration, and security.

702 Section 12. Paragraph (a) of subsection (1) of section
703 1009.40, Florida Statutes, is amended to read:

704 1009.40 General requirements for student eligibility for
705 state financial aid awards and tuition assistance grants.—

706 (1) (a) The general requirements for eligibility of students
707 for state financial aid awards and tuition assistance grants
708 consist of the following:

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

718 2. Residency in this state for no less than 1 year
719 preceding the award of aid or a tuition assistance grant for a
720 program established pursuant to s. 1009.50, s. 1009.505, s.
721 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
722 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
723 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.

724 Residency in this state must be for purposes other than to
725 obtain an education. Resident status for purposes of receiving

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726 state financial aid awards shall be determined in the same
727 manner as resident status for tuition purposes pursuant to s.
728 1009.21.

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

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

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

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

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

746 Section 17. Paragraph (c) of subsection (2) of section
747 1009.94, Florida Statutes, is amended to read:

748 1009.94 Student financial assistance database.—

749 (2) For purposes of this section, financial assistance
750 includes:

751 (c) Any financial assistance provided under s. 1009.50, s.
752 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
753 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
754 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.

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755 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

756 Section 18. Section 1011.626, Florida Statutes, is created
757 to read:

758 1011.626 Performance Fund for Instructional Personnel and
759 School-Based Administrators.—

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

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

766 (a) Quality classroom teachers and school-based
767 administrators are the single greatest indicators of student
768 achievement.

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

780 (c) A school district that fails to adopt and implement
781 end-of-course assessments that comply with s. 1008.222
782 frustrates the purpose of ensuring that each student has a high-
783 quality teacher in his or her classroom by preventing the

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784 determination of the quality of a classroom teacher's or school-
785 based administrator's performance.

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

791 (3) PERFORMANCE FUND.—Effective with the beginning of the
792 2011-2012 year and each year thereafter, the Performance Fund
793 for Instructional Personnel and School-Based Administrators is
794 established.

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

803 (5) DISTRIBUTION OF THE FUND.—

804 (a) The commissioner shall distribute these funds in
805 accordance with the provisions of s. 1011.62(12) to a district
806 for the implementation of a salary schedule adopted by the
807 district school board pursuant to s. 1012.22, implementation of
808 a performance appraisal system pursuant to s. 1012.34, and the
809 development of end-of-course assessments pursuant to s.
810 1008.222. The funds may not be used to increase the base
811 salaries or salary adjustments of employees rated as
812 unsatisfactory or needs improvement pursuant to s. 1012.34.

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813 (b) If funds remain in a district's Performance Fund for
814 Instructional Personnel and School-Based Administrators after
815 the end-of-course assessments in s. 1008.222, performance
816 appraisal system requirements in s. 1012.34, and salary schedule
817 requirements in s. 1012.22 have been met, the balance may be
818 used by the district for the same purpose as funds provided
819 pursuant to s. 1011.62(1)(t). Any funds remaining in a
820 district's fund at the end of the state fiscal year shall revert
821 to the fund from which they were appropriated.

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

830 (d) Each district shall annually set aside sufficient
831 federal grant funds to ensure that the policies described in
832 this section are equally applied to eligible individuals paid
833 from federal grants.

834 (6) REVIEW.—

835 (a) Beginning with the 2014-2015 fiscal year and each
836 fiscal year thereafter, each district school board must submit
837 the district-adopted salary schedule for the school year and
838 supporting documentation to the commissioner for review on or
839 before October 1 of each year. On or before December 15 of each
840 year, the commissioner shall complete a review of each salary
841 schedule submitted for that school year, determine compliance

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842 with s. 1012.22(1)(c), and notify a district school board if the
843 district salary schedule fails to meet the requirements in s.
844 1012.22(1)(c). The commissioner shall certify those school
845 districts that do not comply with s. 1012.22(1)(c) to the
846 Governor, the President of the Senate, and the Speaker of the
847 House of Representatives on or before February 15 of each year.

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

864 (c) In the financial audit of each school district,
865 performed by either the Auditor General or an independent
866 certified public accountant in accordance with s. 218.39, the
867 auditor shall review a sample of classroom teacher contracts and
868 determine compliance with s. 1012.335. The sample shall be
869 selected in accordance with guidelines established by the
870 American Institute of Certified Public Accountants. The auditor

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871 shall document violations of s. 1012.335 and provide the
872 documentation to the Commissioner of Education on or before
873 October 1 of each year following the audit. On or before
874 December 15 of each year, the commissioner shall notify the
875 Governor, the President of the Senate, the Speaker of the House
876 of Representatives, and each school district identified in the
877 audit that has not complied with s. 1012.335.

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

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

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

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900 1011.69 Equity in School-Level Funding Act.—

901 (2) Beginning in the 2003-2004 fiscal year, district school
902 boards shall allocate to schools within the district an average
903 of 90 percent of the funds generated by all schools and
904 guarantee that each school receives at least 80 percent of the
905 funds generated by that school based upon the Florida Education
906 Finance Program as provided in s. 1011.62 and the General
907 Appropriations Act, including gross state and local funds,
908 discretionary lottery funds, and funds from the school
909 district's current operating discretionary millage levy. Total
910 funding for each school shall be recalculated during the year to
911 reflect the revised calculations under the Florida Education
912 Finance Program by the state and the actual weighted full-time
913 equivalent students reported by the school during the full-time
914 equivalent student survey periods designated by the Commissioner
915 of Education. If the district school board is providing programs
916 or services to students funded by federal funds, any eligible
917 students enrolled in the schools in the district shall be
918 provided federal funds. ~~Only academic performance-based charter~~
919 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
920 ~~provisions of this section.~~

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

923 1012.05 Teacher recruitment and retention.—

924 (4) The Department of Education, in cooperation with
925 district personnel offices, may shall sponsor virtual job fairs
926 ~~a job fair in a central part of the state~~ to match high-quality,
927 ~~in-state educators and potential educators~~ and out-of-state
928 educators and potential educators with teaching opportunities in

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929 this state. The Department of Education is authorized to collect
930 a job fair registration fee not to exceed ~~\$20 per person and a~~
931 ~~booth fee not to exceed~~ \$250 per school district or other
932 interested participating organization. The revenue from the fees
933 shall be used to promote and operate the job fair. Funds may be
934 used to purchase promotional items ~~such as mementos, awards, and~~
935 ~~plaques.~~

936 Section 21. Section 1012.07, Florida Statutes, is amended
937 to read:

938 1012.07 Identification of critical teacher shortage areas.-

939 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~
940 "critical teacher shortage area" means high-need content areas
941 ~~applies to mathematics, science, career education, and high-~~
942 priority high priority location areas identified by. the State
943 Board of Education ~~may identify career education programs having~~
944 ~~critical teacher shortages.~~ The State Board of Education shall
945 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
946 annually identify ~~other~~ critical teacher shortage areas ~~and high~~
947 ~~priority location areas.~~ The state board must ~~shall also~~
948 consider current and emerging educational requirements and
949 workforce demands ~~teacher characteristics such as ethnic~~
950 ~~background, race, and sex~~ in determining critical teacher
951 shortage areas. School grade levels may also be designated
952 critical teacher shortage areas. Individual district school
953 boards may identify and submit other critical teacher shortage
954 areas. Such submissions ~~shortages~~ must be aligned to current and
955 emerging educational requirements and workforce demands in order
956 to be certified to ~~and~~ approved by the State Board of Education.
957 High-priority ~~High priority~~ location areas shall be in high-

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958 density, low-economic urban schools, and low-density, low-
959 economic rural schools, and schools identified as lowest
960 performing under s. 1008.33(4)(b) ~~shall include schools which~~
961 ~~meet criteria which include, but are not limited to, the~~
962 ~~percentage of free lunches, the percentage of students under~~
963 ~~Chapter I of the Education Consolidation and Improvement Act of~~
964 ~~1981, and the faculty attrition rate.~~

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

967 Section 22. Effective July 1, 2014, paragraph (c) of
968 subsection (1) of section 1012.22, Florida Statutes, is amended
969 to read:

970 1012.22 Public school personnel; powers and duties of the
971 district school board.—The district school board shall:

972 (1) Designate positions to be filled, prescribe
973 qualifications for those positions, and provide for the
974 appointment, compensation, promotion, suspension, and dismissal
975 of employees as follows, subject to the requirements of this
976 chapter:

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

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

986 b.2. A district school board, in determining the salary

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987 adjustments ~~schedule~~ for instructional personnel and school-
988 based administrators, must base ~~a portion of~~ each employee's
989 adjustment only ~~compensation~~ on performance demonstrated under
990 s. 1012.34, ~~must consider the prior teaching experience of a~~
991 ~~person who has been designated state teacher of the year by any~~
992 ~~state in the United States, and must consider prior professional~~
993 ~~experience in the field of education gained in positions in~~
994 ~~addition to district level instructional and administrative~~
995 ~~positions.~~

996 c.3. In developing the salary schedule, the district school
997 board shall seek input from parents, teachers, and
998 representatives of the business community.

999 ~~2.4. Beginning with the 2007-2008 academic year, Each~~
1000 district school board shall adopt a salary adjustment for
1001 ~~schedule with~~ differentiated pay for both instructional
1002 personnel and school-based administrators. ~~The salary schedule~~
1003 ~~is subject to negotiation as provided in chapter 447 and must~~
1004 ~~allow differentiated pay based on~~ the following:

1005 a. Assignment to a school in a high-priority location area,
1006 as defined in State Board of Education rule, with continued
1007 differentiated pay contingent upon documentation of performance
1008 under s. 1012.34;

1009 b. Certification and teaching in critical teacher shortage
1010 areas, as defined in State Board of Education rule, with
1011 continued differentiated pay contingent upon documentation of
1012 performance under s. 1012.34; and

1013 c. Assignment of additional academic responsibilities, with
1014 continued differentiated pay contingent upon documentation of
1015 performance under s. 1012.34.

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1016 3. A district school board shall adopt a salary schedule
1017 for beginning and renewing teachers as follows:

1018 a. A beginning teacher. For purposes of this sub-
1019 subparagraph, the term "beginning teacher" is a classroom
1020 teacher as defined in s. 1012.01(2)(a), excluding a substitute
1021 teacher, who has no prior K-12 teaching experience.

1022 b. A teacher who holds a valid professional standard
1023 certificate issued by another state and who is hired by the
1024 district school board.

1025 c. A teacher who holds a valid professional certificate
1026 issued pursuant to s. 1012.56, who has not taught in the
1027 classroom at any time during the previous certification period,
1028 and who is hired by the district school board.

1029 4. The salary schedule in subparagraph 3. shall be in
1030 effect only for the first year that the teacher provides
1031 instruction in a Florida K-12 classroom. A district school board
1032 may not use length of service or degrees held as a factor in
1033 setting a salary schedule ~~district-determined factors,~~
1034 ~~including, but not limited to, additional responsibilities,~~
1035 ~~school demographics, critical shortage areas, and level of job~~
1036 ~~performance difficulties.~~

1037 Section 23. Section 1012.225, Florida Statutes, is
1038 repealed.

1039 Section 24. Section 1012.2251, Florida Statutes, is
1040 repealed.

1041 Section 25. Subsection (5) of section 1012.33, Florida
1042 Statutes, is amended to read:

1043 1012.33 Contracts with instructional staff, supervisors,
1044 and school principals.-

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1045 (5) Should a district school board have to choose from
1046 among its personnel who are on continuing contracts or
1047 professional service contracts as to which should be retained,
1048 such decisions shall be based primarily upon the employee's
1049 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
1050 ~~of a collectively bargained agreement, when one exists. If no~~
1051 ~~such agreement exists, the district school board shall prescribe~~
1052 ~~rules to handle reductions in workforce.~~

1053 Section 26. Section 1012.335, Florida Statutes, is created
1054 to read:

1055 1012.335 Contracts with classroom teachers hired on or
1056 after July 1, 2010.—

1057 (1) DEFINITIONS.—As used in this section, the term:

1058 (a) "Annual contract" means a contract for a period of no
1059 longer than 1 school year in which the district school board may
1060 choose to renew or not renew without cause.

1061 (b) "Classroom teacher" means a classroom teacher as
1062 defined in s. 1012.01(2)(a), excluding substitute teachers.

1063 (c) "Probationary contract" means a contract for a period
1064 of no longer than 1 school year during which a classroom teacher
1065 may be dismissed without cause or may resign from the
1066 contractual position without breach of contract.

1067 (2) EMPLOYMENT.—

1068 (a) Beginning July 1, 2010, each person newly hired as a
1069 classroom teacher by a school district shall receive a
1070 probationary contract.

1071 (b) A classroom teacher may receive up to four annual
1072 contracts in a school district in this state if the teacher:

1073 1. Holds a professional certificate as prescribed by s.

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1074 1012.56 and in the rules of the State Board of Education; and

1075 2. Has been recommended by the district school
1076 superintendent for the annual contract and approved by the
1077 district school board.

1078 (c) A classroom teacher may not receive an annual contract
1079 for the 6th year of teaching and thereafter unless the classroom
1080 teacher:

1081 1. Holds a professional certificate as prescribed by s.
1082 1012.56 and in the rules of the State Board of Education;

1083 2. Has been recommended by the district school
1084 superintendent for the annual contract and approved by the
1085 district school board; and

1086 3. Has received an effective or highly effective
1087 designation on his or her appraisal pursuant to s. 1012.34 in at
1088 least 2 of the 3 preceding years for each year an annual
1089 contract is sought.

1090 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
1091 CONTRACT.—A classroom teacher who has an annual contract may be
1092 suspended or dismissed at any time during the term of the
1093 contract for just cause as provided in subsection (4). The
1094 district school board must notify a classroom teacher in writing
1095 whenever charges are made against the classroom teacher, and the
1096 district school board may suspend him or her without pay.
1097 However, if the charges are not sustained, the classroom teacher
1098 shall be immediately reinstated and his or her back pay shall be
1099 paid.

1100 (4) JUST CAUSE.—The State Board of Education shall adopt
1101 rules to define the term "just cause." Just cause includes, but
1102 is not limited to:

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- 1103 (a) Immorality.
1104 (b) Misconduct in office.
1105 (c) Incompetency.
1106 (d) Gross insubordination.
1107 (e) Willful neglect of duty.
1108 (f) Being convicted or found guilty of, or entering a plea
1109 of guilty to, regardless of adjudication of guilt, any crime
1110 involving moral turpitude.
1111 (g) Poor performance as demonstrated by a lack of student
1112 learning gains, as specified in s. 1012.34.

1113 Section 27. Section 1012.34, Florida Statutes, is amended
1114 to read:

1115 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1116 (1) For the purpose of increasing student achievement by
1117 improving the quality of instructional, administrative, and
1118 supervisory services in the public schools of the state, the
1119 district school superintendent shall establish procedures for
1120 evaluating ~~assessing~~ the performance of duties and
1121 responsibilities of all instructional, administrative, and
1122 supervisory personnel employed by the school district. The
1123 Department of Education must approve each district's
1124 instructional personnel appraisal ~~assessment~~ system and
1125 appraisal instruments. The Department of Education must approve
1126 each school-based administrator appraisal system and appraisal
1127 instruments. The department shall collect from each school
1128 district the annual performance ratings of all instructional and
1129 school-based administrative personnel and report the percentage
1130 of each of these employees receiving each rating category by
1131 school and by district to the Governor, the President of the

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1132 Senate, and the Speaker of the House of Representatives.

1133 (2) The following conditions must be considered in the
1134 design of the district's instructional personnel appraisal
1135 ~~assessment~~ system:

1136 (a) The system must be designed to support high-quality
1137 instruction and increased academic achievement ~~district and~~
1138 ~~school level improvement plans.~~

1139 (b) The system must provide appropriate appraisal
1140 instruments, procedures, and criteria for continuous quality
1141 improvement of the professional skills of instructional
1142 personnel.

1143 (c) The system must include a mechanism to examine
1144 performance data from multiple sources, which includes giving
1145 ~~give~~ parents an opportunity to provide input into employee
1146 performance appraisals ~~assessments when appropriate.~~

1147 (d) In addition to addressing generic teaching
1148 competencies, districts must determine those teaching fields for
1149 which special procedures and criteria will be developed.

1150 (e) Each district school board may establish a peer
1151 assistance process. The plan may provide a mechanism for
1152 assistance of persons who are placed on performance probation as
1153 well as offer assistance to other employees who request it.

1154 (f) Each ~~The~~ district school board shall provide training
1155 programs that are based upon guidelines provided by the
1156 Department of Education to ensure that all individuals with
1157 evaluation responsibilities understand the proper use of the
1158 appraisal ~~assessment~~ criteria and procedures.

1159 (g) The system must differentiate among four levels of
1160 performance: unsatisfactory, needs improvement, effective, and

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1161 highly effective. The Commissioner of Education shall consult
1162 with performance pay experts and classroom teachers in
1163 developing the performance levels. Beginning with the 2014-2015
1164 school year and thereafter, instructional personnel and school-
1165 based administrators may not be rated as effective or highly
1166 effective if their students fail to demonstrate learning gains.

1167 (h) The system must include a process for monitoring the
1168 effective and consistent use of appraisal criteria by
1169 supervisors and administrators and a process for evaluating the
1170 effectiveness of the system itself in improving the level of
1171 instruction and learning in the district's schools.

1172 (3) The appraisal ~~assessment~~ procedure for instructional
1173 personnel and school administrators must be ~~primarily~~ based on
1174 the performance of students assigned to their classrooms or
1175 schools, as described in paragraph (a) ~~appropriate~~. Pursuant ~~to~~
1176 ~~this section~~, A school district's performance appraisal
1177 ~~assessment~~ is not limited to basing unsatisfactory performance
1178 of instructional personnel and school administrators upon
1179 student performance, but may include other criteria approved to
1180 evaluate ~~assess~~ instructional personnel and school
1181 administrators' performance, or any combination of student
1182 performance and other approved criteria. The procedures must
1183 comply with, but are not limited to, the following requirements:

1184 (a) An appraisal ~~assessment~~ must be conducted for each
1185 employee at least once a year, except that an appraisal for each
1186 teacher, as described in s. 1012.22(1)(c)3., must be conducted
1187 at least twice a year. ~~The assessment must be based upon sound~~
1188 ~~educational principles and contemporary research in effective~~
1189 ~~educational practices. The assessment must primarily use data~~

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1190 ~~and indicators of improvement in student performance assessed~~
1191 ~~annually as specified in s. 1008.22 and may consider results of~~
1192 ~~peer reviews in evaluating the employee's performance. Student~~
1193 ~~performance must be measured by state assessments required under~~
1194 ~~s. 1008.22 and by local assessments for subjects and grade~~
1195 ~~levels not measured by the state assessment program. The~~
1196 appraisal assessment ~~criteria must include, but are not limited~~
1197 ~~to, indicators that relate to the following:~~

1198 1. Performance of students.

1199 a. Beginning with the 2014-2015 school year and thereafter,
1200 for the classroom teacher, the learning gains of students
1201 assigned to the teacher must comprise more than 50 percent of
1202 the determination of the classroom teacher's performance.
1203 Beginning with the 2014-2015 school year and thereafter, for
1204 instructional personnel, who are not classroom teachers, the
1205 learning gains of students assigned to the school must comprise
1206 more than 50 percent of the determination of the individual's
1207 performance. A school district may use the learning gains of
1208 students assigned to the classroom teacher for the preceding 3
1209 years, or, for instructional personnel who are not classroom
1210 teachers, the learning gains of students assigned to the school
1211 for the preceding 3 years, to determine the individual's
1212 performance. For purposes of this sub-subparagraph, "school"
1213 means the school to which the instructional personnel, who is
1214 not a classroom teacher, was assigned for the last 3 years.
1215 Student learning gains are measured by state assessments
1216 required under s. 1008.22, examinations in AP, IB, AICE, or a
1217 national industry certification identified in the Industry
1218 Certification Funding List pursuant to rules adopted by the

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1219 State Board of Education, or district assessments for subject
1220 areas and grade levels as required under s. 1008.222.

1221 b. For instructional personnel, more than 50 percent of the
1222 determination of the individual's performance must be based on
1223 the performance of students assigned to their classrooms or
1224 schools, as appropriate. Student performance must be measured by
1225 state assessments required under s. 1008.22 and by local
1226 assessments for subjects and grade levels not measured by the
1227 state assessment program. This sub-subparagraph expires July 1,
1228 2014.

1229 2. Instructional practice. For instructional personnel,
1230 performance criteria must be based on the Florida Educator
1231 Accomplished Practices adopted by the State Board of Education
1232 by rule, which include:

1233 a. Ability to maintain appropriate discipline.

1234 ~~b.3. Knowledge of subject matter. The district school board~~
1235 ~~shall make special provisions for evaluating teachers who are~~
1236 ~~assigned to teach out-of-field.~~

1237 ~~c.4. Ability to plan and deliver effective instruction and~~
1238 ~~the effective use of technology in the classroom.~~

1239 ~~d.5. Ability to use assessment data and other evidence of~~
1240 ~~student learning to design and implement differentiated~~
1241 ~~instructional strategies in order to meet individual student~~
1242 ~~needs for remediation or acceleration evaluate instructional~~
1243 ~~needs.~~

1244 ~~e.6. Ability to establish and maintain a positive~~
1245 ~~collaborative relationship with students' families to increase~~
1246 ~~student achievement.~~

1247 ~~f.7. Other professional competencies, responsibilities, and~~

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1248 requirements as established by rules of the State Board of
1249 Education and policies of the district school board.

1250 3. Instructional leadership performance.

1251 a. Beginning with the 2014-2015 school year and thereafter,
1252 for a school-based administrator, the learning gains of students
1253 assigned to the school must comprise more than 50 percent of the
1254 determination of the school-based administrator's performance. A
1255 school district may use the learning gains of students assigned
1256 to the school for the preceding 3 years to determine the school-
1257 based administrator's performance. For purposes of this sub-
1258 subparagraph, "school" means the school to which the
1259 administrator was assigned for the last 3 years. Student
1260 learning gains are measured by state assessments required under
1261 s. 1008.22, examinations in AP, IB, AICE, or a national industry
1262 certification identified in the Industry Certification Funding
1263 List pursuant to rules adopted by the State Board of Education,
1264 or district assessments for subject areas and grade levels as
1265 required under s. 1008.222.

1266 b. For school-based administrators, more than 50 percent of
1267 the determination of the individual's performance must be based
1268 on the performance of students assigned to their schools.
1269 Student performance must be measured by state assessments
1270 required under s. 1008.22 and by local assessments for subjects
1271 and grade levels not measured by the state assessment program.
1272 This sub-subparagraph expires July 1, 2014.

1273 4. Instructional leadership practice. For a school-based
1274 administrator, performance criteria must be based on the Florida
1275 Principal Leadership Standards adopted by the State Board of
1276 Education under s. 1012.986, which includes the ability to:

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1277 a. Manage human, financial, and material resources so as to
1278 maximize the share of resources used for direct instruction, as
1279 opposed to overhead or other purposes; and

1280 b. Recruit and retain high-performing teachers.

1281 (b) All personnel must be fully informed of the criteria
1282 and procedures associated with the appraisal ~~assessment~~ process
1283 before the appraisal ~~assessment~~ takes place.

1284 (c) The individual responsible for supervising the employee
1285 must evaluate ~~assess~~ the employee's performance. The evaluator
1286 must submit a written report of the appraisal ~~assessment~~ to the
1287 district school superintendent for the purpose of reviewing the
1288 employee's contract. The evaluator must submit the written
1289 report to the employee no later than 10 days after the appraisal
1290 ~~assessment~~ takes place. The evaluator must discuss the written
1291 report of the appraisal ~~assessment~~ with the employee. The
1292 employee shall have the right to initiate a written response to
1293 the appraisal ~~assessment~~, and the response shall become a
1294 permanent attachment to his or her personnel file.

1295 (d) If an employee is not performing his or her duties in a
1296 satisfactory manner, the evaluator shall notify the employee in
1297 writing of such determination. The notice must describe such
1298 unsatisfactory performance and include notice of the following
1299 procedural requirements:

1300 1. Upon delivery of a notice of unsatisfactory performance,
1301 the evaluator must confer with the employee, make
1302 recommendations with respect to specific areas of unsatisfactory
1303 performance, and provide assistance in helping to correct
1304 deficiencies within a prescribed period of time.

1305 2.a. If the employee holds an annual contract as provided

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1306 in s. 1012.335, and receives an unsatisfactory performance
1307 appraisal pursuant to the criteria in subparagraph (a)2., the
1308 employee may request a review of the appraisal by the district
1309 school superintendent or his or her designee. The district
1310 school superintendent may review the employee's appraisal.

1311 b. If the employee holds a professional service contract as
1312 provided in s. 1012.33, the employee shall be placed on
1313 performance probation and governed by the provisions of this
1314 section for 90 calendar days following the receipt of the notice
1315 of unsatisfactory performance to demonstrate corrective action.
1316 School holidays and school vacation periods are not counted when
1317 calculating the 90-calendar-day period. During the 90 calendar
1318 days, the employee who holds a professional service contract
1319 must be evaluated periodically and apprised of progress achieved
1320 and must be provided assistance and inservice training
1321 opportunities to help correct the noted performance
1322 deficiencies. At any time during the 90 calendar days, the
1323 employee who holds a professional service contract may request a
1324 transfer to another appropriate position with a different
1325 supervising administrator; however, a transfer does not extend
1326 the period for correcting performance deficiencies.

1327 c.~~b.~~ Within 14 days after the close of the 90 calendar
1328 days, the evaluator must evaluate ~~assess~~ whether the performance
1329 deficiencies have been corrected and forward a recommendation to
1330 the district school superintendent. Within 14 days after
1331 receiving the evaluator's recommendation, the district school
1332 superintendent must notify the employee who holds a professional
1333 service contract in writing whether the performance deficiencies
1334 have been satisfactorily corrected and whether the district

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1335 school superintendent will recommend that the district school
1336 board continue or terminate his or her employment contract. If
1337 the employee wishes to contest the district school
1338 superintendent's recommendation, the employee must, within 15
1339 days after receipt of the district school superintendent's
1340 recommendation, submit a written request for a hearing. The
1341 hearing shall be conducted at the district school board's
1342 election in accordance with one of the following procedures:

1343 (I) A direct hearing conducted by the district school board
1344 within 60 days after receipt of the written appeal. The hearing
1345 shall be conducted in accordance with the provisions of ss.
1346 120.569 and 120.57. A majority vote of the membership of the
1347 district school board shall be required to sustain the district
1348 school superintendent's recommendation. The determination of the
1349 district school board shall be final as to the sufficiency or
1350 insufficiency of the grounds for termination of employment; or

1351 (II) A hearing conducted by an administrative law judge
1352 assigned by the Division of Administrative Hearings of the
1353 Department of Management Services. The hearing shall be
1354 conducted within 60 days after receipt of the written appeal in
1355 accordance with chapter 120. The recommendation of the
1356 administrative law judge shall be made to the district school
1357 board. A majority vote of the membership of the district school
1358 board shall be required to sustain or change the administrative
1359 law judge's recommendation. The determination of the district
1360 school board shall be final as to the sufficiency or
1361 insufficiency of the grounds for termination of employment.

1362 (4) The district school superintendent shall notify the
1363 department of any instructional personnel who receive two

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1364 consecutive unsatisfactory evaluations and who have been given
1365 written notice by the district that their employment is being
1366 terminated or is not being renewed or that the district school
1367 board intends to terminate, or not renew, their employment. The
1368 department shall conduct an investigation to determine whether
1369 action shall be taken against the certificateholder pursuant to
1370 s. 1012.795(1)(c).

1371 (5) The district school superintendent shall develop a
1372 mechanism for evaluating the effective use of appraisal
1373 ~~assessment~~ criteria and evaluation procedures by administrators
1374 who are assigned responsibility for evaluating the performance
1375 of instructional personnel. The use of the appraisal ~~assessment~~
1376 and evaluation procedures shall be considered as part of the
1377 annual appraisal ~~assessment~~ of the administrator's performance.
1378 The system must include a mechanism to give parents and teachers
1379 an opportunity to provide input into the administrator's
1380 performance assessment, ~~when appropriate~~.

1381 (6) Nothing in this section shall be construed to grant a
1382 probationary employee a right to continued employment beyond the
1383 term of his or her contract.

1384 (7) The district school board shall establish a procedure
1385 annually reviewing instructional personnel appraisal ~~assessment~~
1386 systems to determine compliance with this section. All
1387 substantial revisions to an approved system must be reviewed and
1388 approved by the district school board before being used to
1389 evaluate ~~assess~~ instructional personnel. Upon request by a
1390 school district, the department shall provide assistance in
1391 developing, improving, or reviewing an appraisal ~~assessment~~
1392 system.

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1393 (8) The State Board of Education shall adopt rules pursuant
1394 to ss. 120.536(1) and 120.54, that establish uniform guidelines
1395 for the submission, review, and approval of district procedures
1396 for the annual appraisal assessment of instructional personnel
1397 and school-based administrative personnel and that include the
1398 method of calculating rates of student learning tied to
1399 differentiated levels of performance as provided for in
1400 paragraph (2)(g) and criteria for evaluating professional
1401 performance.

1402 Section 28. Subsection (3) is added to section 1012.42,
1403 Florida Statutes, to read:

1404 1012.42 Teacher teaching out-of-field.—

1405 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011
1406 school year, a district school board shall not assign any
1407 beginning teacher to teach reading, science, or mathematics if
1408 he or she is not certified in reading, science, or mathematics.

1409 Section 29. Section 1012.52, Florida Statutes, is repealed.

1410 Section 30. Paragraph (c) of subsection (2), subsections
1411 (5), (6), and (7), paragraph (b) of subsection (9), and
1412 subsection (17) of section 1012.56, Florida Statutes, are
1413 amended to read:

1414 1012.56 Educator certification requirements.—

1415 (2) ELIGIBILITY CRITERIA.—To be eligible to seek
1416 certification, a person must:

1417 (c) Document receipt of a bachelor's or higher degree from
1418 an accredited institution of higher learning, or a nonaccredited
1419 institution of higher learning that the Department of Education
1420 has identified as having a quality program resulting in a
1421 bachelor's degree, or higher. Each applicant seeking initial

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1422 certification must have attained at least a 2.5 overall grade
1423 point average on a 4.0 scale in the applicant's major field of
1424 study. The applicant may document the required education by
1425 submitting official transcripts from institutions of higher
1426 education or by authorizing the direct submission of such
1427 official transcripts through established electronic network
1428 systems. The bachelor's or higher degree may not be required in
1429 areas approved in rule by the State Board of Education as
1430 nondegreed areas. The State Board of Education may adopt rules
1431 that, for purposes of demonstrating completion of certification
1432 requirements specified in state board rule, allow for the
1433 acceptance of college course credits recommended by the American
1434 Council on Education (ACE), as posted on an official ACE
1435 transcript.

1436 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
1437 demonstrating mastery of subject area knowledge are:

1438 (a) Achievement of passing scores on subject area
1439 examinations required by state board rule, which may include,
1440 but need not be limited to, world languages in Arabic, Chinese,
1441 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
1442 Italian, Japanese, Portuguese, Russian, and Spanish;

1443 (b) Completion of a bachelor's degree or higher and
1444 verification of the attainment of an oral proficiency interview
1445 score above the intermediate level and a written proficiency
1446 score above the intermediate level on a test administered by the
1447 American Council on the Teaching of Foreign Languages for which
1448 there is no Florida-developed examination;

1449 (c) Completion of the subject area specialization
1450 requirements specified in state board rule and verification of

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1451 the attainment of the essential subject matter competencies by
1452 the district school superintendent of the employing school
1453 district or chief administrative officer of the employing state-
1454 supported or private school for a subject area for which a
1455 subject area examination has not been developed and required by
1456 state board rule;

1457 (d) Completion of the subject area specialization
1458 requirements specified in state board rule for a subject
1459 coverage requiring a master's or higher degree and achievement
1460 of a passing score on the subject area examination specified in
1461 state board rule;

1462 (e) A valid professional standard teaching certificate
1463 issued by another state and achievement of a passing score on
1464 the subject area exam specified in State Board of Education rule
1465 or by a full demonstration of mastery of his or her ability to
1466 teach the subject area for which he or she is seeking
1467 certification, as provided by rules of the State Board of
1468 Education; or

1469 (f) A valid certificate issued by the National Board for
1470 Professional Teaching Standards or a national educator
1471 credentialing board approved by the State Board of Education.

1472
1473 School districts are encouraged to provide mechanisms for those
1474 middle school teachers holding only a K-6 teaching certificate
1475 to obtain a subject area coverage for middle grades through
1476 postsecondary coursework or district add-on certification.

1477 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
1478 COMPETENCE.—Acceptable means of demonstrating mastery of
1479 professional preparation and education competence are:

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1480 (a) Completion of an approved teacher preparation program
1481 at a postsecondary educational institution within this state and
1482 achievement of a passing score on the professional education
1483 competency examination required by state board rule;

1484 (b) Completion of a teacher preparation program at a
1485 postsecondary educational institution outside Florida and
1486 achievement of a passing score on the professional education
1487 competency examination required by state board rule;

1488 (c) A valid professional standard teaching certificate
1489 issued by another state;

1490 (d) A valid certificate issued by the National Board for
1491 Professional Teaching Standards or a national educator
1492 credentialing board approved by the State Board of Education;

1493 (e) Documentation of two semesters of successful teaching
1494 in a community college, state university, or private college or
1495 university that awards an associate or higher degree and is an
1496 accredited institution or an institution of higher education
1497 identified by the Department of Education as having a quality
1498 program;

1499 (f) Completion of professional preparation courses as
1500 specified in state board rule, successful completion of a
1501 professional education competence demonstration program pursuant
1502 to paragraph (8) (b), and achievement of a passing score on the
1503 professional education competency examination required by state
1504 board rule;

1505 (g) Successful completion of a professional preparation
1506 alternative certification and education competency program,
1507 outlined in paragraph (8) (a); ~~or~~

1508 (h) Successful completion of an alternative certification

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1509 program pursuant to s. 1004.85 and achievement of a passing
1510 score on the professional education competency examination
1511 required by rule of the State Board of Education; ~~or-~~

1512 (i) Successful completion of a professional education
1513 training program provided by Teach for America and achievement
1514 of a passing score on the professional education competency
1515 examination required by rule of the State Board of Education.

1516 (7) TYPES AND TERMS OF CERTIFICATION.-

1517 (a) The Department of Education shall issue a professional
1518 certificate for a period not to exceed 5 years to any applicant
1519 who meets all the requirements outlined in subsection (2).

1520 (b) The department shall issue a temporary certificate to
1521 any applicant who meets the following requirements:

1522 1. Completes the requirements outlined in paragraphs

1523 (2) (a)-(f); ~~and~~

1524 2.a. Completes the subject area content requirements
1525 specified in state board rule; or

1526 b. Demonstrates mastery of subject area knowledge pursuant
1527 to subsection (5); and

1528 3. Holds an accredited degree or a degree approved by the
1529 Department of Education at the level required for the subject
1530 area specialization in state board rule.

1531 (c) The department shall issue one nonrenewable 2-year
1532 temporary certificate and one nonrenewable 5-year professional
1533 certificate to a qualified applicant who holds a bachelor's
1534 degree in the area of speech-language impairment to allow for
1535 completion of a master's degree program in speech-language
1536 impairment.

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1538 Each temporary certificate is valid for 3 school fiscal years
1539 and is nonrenewable. However, the requirement in paragraphs
1540 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of
1541 the date of employment under the temporary certificate.
1542 Individuals who are employed under contract at the end of the 1
1543 calendar year time period may continue to be employed through
1544 the end of the school year in which they have been contracted. A
1545 school district shall not employ, or continue the employment of,
1546 an individual in a position for which a temporary certificate is
1547 required beyond this time period if the individual has not met
1548 the requirement of paragraph (2) (g) or paragraph (2) (h). The
1549 State Board of Education shall adopt rules to allow the
1550 department to extend the validity period of a temporary
1551 certificate for 2 years when the requirements for the
1552 professional certificate, not including the requirement in
1553 paragraph (2) (g) or paragraph (2) (h), were not completed due to
1554 the serious illness or injury of the applicant or other
1555 extraordinary extenuating circumstances. The department shall
1556 reissue the temporary certificate for 2 additional years upon
1557 approval by the Commissioner of Education. A written request for
1558 reissuance of the certificate shall be submitted by the district
1559 school superintendent, the governing authority of a university
1560 lab school, the governing authority of a state-supported school,
1561 or the governing authority of a private school.

1562 (9) EXAMINATIONS.—

1563 (b) The State Board of Education shall, by rule, specify
1564 the examination scores that are required for the issuance of a
1565 professional certificate and temporary certificate. Such rules
1566 must define generic subject area and reading instruction

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1567 competencies and must establish uniform evaluation guidelines.
1568 The State Board of Education shall review the current subject
1569 area examinations and, if necessary, revise the passing scores
1570 and reading instruction pursuant to s. 1001.215 required for
1571 achieving certification in order to match expectations for
1572 teacher competency in each subject area.

1573 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—
1574 ~~Beginning with the 2003-2004 school year,~~ The Department of
1575 Education shall conduct a longitudinal study to compare
1576 performance of certificateholders who are employed in Florida
1577 school districts. The study shall compare ~~a sampling of~~
1578 educators who have qualified for a professional certificate
1579 ~~since July 1, 2002,~~ based on the following:

1580 (a) Graduation from a state-approved teacher preparation
1581 program.

1582 (b) Completion of a state-approved professional preparation
1583 and education competency program.

1584 (c) A valid standard teaching certificate issued by a state
1585 other than Florida.

1586
1587 The department comparisons shall be made to determine if there
1588 is any significant difference in the performance of these groups
1589 of teachers, as measured by their students' achievement levels
1590 and learning gains as measured by s. 1008.22.

1591 Section 31. Paragraph (b) of subsection (2) and subsection
1592 (5) of section 1012.585, Florida Statutes, are amended, and
1593 subsection (6) is added to that section, to read:

1594 1012.585 Process for renewal of professional certificates.—

1595 (2)

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1596 (b) A teacher with national certification from the National
1597 Board for Professional Teaching Standards is deemed to meet
1598 state renewal requirements ~~for the life of the teacher's~~
1599 ~~national certificate~~ in the subject shown on the national
1600 certificate. A complete renewal application and fee shall be
1601 submitted. The Commissioner of Education shall notify teachers
1602 of the renewal application and fee requirements. This paragraph
1603 expires July 1, 2014.

1604 (5) The State Board of Education shall adopt rules to allow
1605 the reinstatement of expired professional certificates. The
1606 department may reinstate an expired professional certificate if
1607 the certificateholder:

1608 (a) Submits an application for reinstatement of the expired
1609 certificate.

1610 (b) Documents completion of 6 college credits during the 5
1611 years immediately preceding reinstatement of the expired
1612 certificate, completion of 120 inservice points, or a
1613 combination thereof, in an area specified in paragraph (3)(a).

1614 (c) Meets the requirements in subsection (6).

1615 (d)~~(e)~~ During the 5 years immediately preceding
1616 reinstatement of the certificate, achieves a passing score on
1617 the subject area test for each subject to be shown on the
1618 reinstated certificate.

1619
1620 The requirements of this subsection may not be satisfied by
1621 subject area tests or college credits completed for issuance of
1622 the certificate that has expired.

1623 (6) Beginning with the 2014-2015 school year, the
1624 requirements for the renewal of a professional certificate shall

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1625 include documentation of effective or highly effective
1626 performance as demonstrated under s. 1012.34 for at least 4 of
1627 the preceding 5 years before the renewal certification is
1628 sought. The State Board of Education shall adopt rules to define
1629 the process for documenting effective performance under this
1630 subsection, including equivalent options for individuals who
1631 have not been evaluated under s. 1012.34. An individual's
1632 certificate shall expire if the individual is not able to
1633 demonstrate effective performance as required under this
1634 subsection and the rules of the state board. The individual may
1635 apply to reinstate his or her professional certificate under
1636 subsection (5).

1637 Section 32. Subsection (2) of section 1012.72, Florida
1638 Statutes, is amended to read:

1639 1012.72 Dale Hickam Excellent Teaching Program.—

1640 (2) The Dale Hickam Excellent Teaching Program is created
1641 to provide categorical funding for bonuses for teaching
1642 excellence. The bonuses may be provided for initial
1643 certification for up to one 10-year period for individuals
1644 holding NBPTS certification on July 1, 2010, and who remain
1645 continuously employed in a public school in this state or the
1646 Florida School for the Deaf and the Blind. The Department of
1647 Education shall distribute to each school district an amount as
1648 prescribed annually by the Legislature for the Dale Hickam
1649 Excellent Teaching Program. For purposes of this section, the
1650 Florida School for the Deaf and the Blind shall be considered a
1651 school district. Unless otherwise provided in the General
1652 Appropriations Act, each distribution shall be the sum of the
1653 amounts earned for the following:

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1654 (a) An annual bonus equal to 10 percent of the prior fiscal
1655 year's statewide average salary for classroom teachers to be
1656 distributed to the school district to be paid to each individual
1657 who holds NBPTS certification and is employed by the district
1658 school board or by a public school within the school district.
1659 The district school board shall distribute the annual bonus to
1660 each individual who meets the requirements of this paragraph and
1661 who is certified annually by the district to have demonstrated
1662 satisfactory teaching performance pursuant to s. 1012.34. The
1663 annual bonus may be paid as a single payment or divided into not
1664 more than three payments.

1665 (b) An annual bonus equal to 10 percent of the prior fiscal
1666 year's statewide average salary for classroom teachers to be
1667 distributed to the school district to be paid to each individual
1668 who meets the requirements of paragraph (a) and agrees, in
1669 writing, to provide the equivalent of 12 workdays of mentoring
1670 and related services to public school teachers within the state
1671 who do not hold NBPTS certification. Related services must
1672 include instruction in helping teachers work more effectively
1673 with the families of their students. The district school board
1674 shall distribute the annual bonus in a single payment following
1675 the completion of all required mentoring and related services
1676 for the year. It is not the intent of the Legislature to remove
1677 excellent teachers from their assigned classrooms; therefore,
1678 credit may not be granted by a school district or public school
1679 for mentoring or related services provided during student
1680 contact time during the 196 days of required service for the
1681 school year.

1682 (c) The employer's share of social security and Medicare

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1683 taxes for those teachers who receive bonus amounts under
1684 paragraph (a) or paragraph (b).

1685 Section 33. Subsection (1) of section 1012.79, Florida
1686 Statutes, is amended to read:

1687 1012.79 Education Practices Commission; organization.—

1688 (1) The Education Practices Commission consists of 25
1689 members, including 11 ~~8~~ teachers; 5 administrators, at least one
1690 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,
1691 3 ~~5~~ of whom shall be parents of public school students and who
1692 are unrelated to public school employees and 2 of whom shall be
1693 former district school board members; and 4 ~~5~~ sworn law
1694 enforcement officials, appointed by the State Board of Education
1695 from nominations by the Commissioner of Education and subject to
1696 Senate confirmation. Prior to making nominations, the
1697 commissioner shall consult with teaching associations, parent
1698 organizations, law enforcement agencies, and other involved
1699 associations in the state. In making nominations, the
1700 commissioner shall attempt to achieve equal geographical
1701 representation, as closely as possible.

1702 (a) A teacher member, in order to be qualified for
1703 appointment:

1704 1. Must be certified to teach in the state.

1705 2. Must be a resident of the state.

1706 3. Must have practiced the profession ~~in this state~~ for at
1707 least 10 years, with at least 5 years of experience in this
1708 state immediately preceding the appointment.

1709 (b) A school administrator member, in order to be qualified
1710 for appointment:

1711 1. Must have an endorsement on the educator certificate in

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1712 the area of school administration or supervision.

1713 2. Must be a resident of the state.

1714 3. Must have practiced the profession as an administrator
1715 for at least 5 years immediately preceding the appointment.

1716 (c) The lay members must be residents of the state.

1717 (d) The law enforcement official members must have served
1718 in the profession for at least 5 years immediately preceding
1719 appointment and have background expertise in child safety.

1720 Section 34. Paragraph (h) of subsection (1) of section
1721 1012.795, Florida Statutes, is amended to read:

1722 1012.795 Education Practices Commission; authority to
1723 discipline.—

1724 (1) The Education Practices Commission may suspend the
1725 educator certificate of any person as defined in s. 1012.01(2)
1726 or (3) for up to 5 years, thereby denying that person the right
1727 to teach or otherwise be employed by a district school board or
1728 public school in any capacity requiring direct contact with
1729 students for that period of time, after which the holder may
1730 return to teaching as provided in subsection (4); may revoke the
1731 educator certificate of any person, thereby denying that person
1732 the right to teach or otherwise be employed by a district school
1733 board or public school in any capacity requiring direct contact
1734 with students for up to 10 years, with reinstatement subject to
1735 the provisions of subsection (4); may revoke permanently the
1736 educator certificate of any person thereby denying that person
1737 the right to teach or otherwise be employed by a district school
1738 board or public school in any capacity requiring direct contact
1739 with students; may suspend the educator certificate, upon an
1740 order of the court or notice by the Department of Revenue

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1741 relating to the payment of child support; or may impose any
1742 other penalty provided by law, if the person:

1743 (h) Has breached a contract, as provided in s. 1012.33(2)
1744 or s. 1012.335.

1745 Section 35. Review of teacher preparation program funding.-

1746 (1) The Department of Education, in collaboration with the
1747 Board of Governors, shall develop a methodology to determine the
1748 cost-effectiveness of the teacher preparation programs in ss.
1749 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
1750 methodology for determining program costs must use existing
1751 expenditure data, when available.

1752 (2) On or before December 1, 2011, the Department of
1753 Education shall submit a report to the Governor, the President
1754 of the Senate, and the Speaker of the House of Representatives
1755 which:

1756 (a) Provides a methodology to evaluate the cost-
1757 effectiveness of teacher preparation programs based on program
1758 costs, program outcomes of student cohorts such as completion
1759 rates, placement rates in teaching jobs, retention rates in the
1760 classroom, and student achievement and learning gains of
1761 students taught by graduates;

1762 (b) Uses the methodology developed to evaluate the cost-
1763 effectiveness of the state's teacher preparation programs; and

1764 (c) Provides recommendations that would enhance the
1765 Legislature's ability to consider the program's productivity
1766 when allocating funds.

1767 (3) The Office of Program Policy Analysis and Government
1768 Accountability shall review the current standards for the
1769 continued approval of teacher preparation programs and make

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1770 recommendations to the Legislature on or before January 1, 2012,
1771 for any needed changes. Such recommendations shall include
1772 proposed changes to the allocation of any state funds to teacher
1773 preparation programs and the students enrolled in these
1774 programs.

1775 Section 36. (1) Any school district that received a grant
1776 of at least \$75 million from a private foundation for the
1777 purpose of improving the effectiveness of teachers within the
1778 school district may seek an annual exemption from the State
1779 Board of Education of ss. 1008.222, 1011.626, Florida Statutes,
1780 as created by this act, and the amendments to ss. 1012.22 and
1781 1012.34, Florida Statutes, as amended by this act.

1782 (2) To receive approval from the State Board of Education
1783 for an exemption under this section, a school district must
1784 demonstrate to the State Board of Education that it is
1785 implementing the following:

1786 (a) A teacher appraisal system that uses student
1787 performance as the single greatest component of the teacher's
1788 evaluation.

1789 (b) A teacher compensation system that awards salary
1790 increases based on sustained student performance.

1791 (c) A teacher contract system that awards contracts based
1792 on student performance.

1793 (3) The State Board of Education shall annually renew a
1794 school district's exemption if the school district provides a
1795 progress report that demonstrates that the school district
1796 continues to meet the requirements of subsection (2).

1797 (4) The State Board of Education shall adopt rules pursuant
1798 to ss. 120.536(1) and 120.54, Florida Statutes, to establish the

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1799 procedures for applying for an exemption under this section.

1800 Section 37. If any provision of this act or its application
1801 to any person or circumstance is held invalid, the invalidity
1802 does not affect other provisions or applications of the act
1803 which can be given effect without the invalid provision or
1804 application, and to this end the provisions of this act are
1805 severable.

1806 Section 38. The amendments to s. 1012.33, Florida Statutes,
1807 shall apply to contracts newly entered into, extended, or
1808 readopted on or after July 1, 2010, and to all contracts on or
1809 after July 1, 2013.

1810 Section 39. Except as otherwise expressly provided in this
1811 act, this act shall take effect July 1, 2010.