

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

29 continued approval of teacher preparation programs to
30 include student learning gains; deleting the waiver of
31 admissions criteria for certain students; deleting the
32 criterion relating to employer satisfaction; revising the
33 requirements for a teacher preparation program to provide
34 additional training to a graduate who fails to demonstrate
35 essential skills; deleting a provision that requires
36 state-approved teacher preparation programs and public and
37 private institutions offering training for school-
38 readiness-related professions to report graduate
39 satisfaction ratings; revising the requirements for
40 preservice field experience programs; repealing s.
41 1004.04(11) and (12), F.S., relating to the Preteacher and
42 Teacher Education Pilot Programs and the Teacher Education
43 Pilot Programs for High-Achieving Students; amending s.
44 1004.85, F.S.; revising the requirements for individuals
45 who participate in programs at postsecondary educator
46 preparation institutes; revising the requirements for
47 approved alternative certification programs and
48 instructors; creating s. 1008.222, F.S.; requiring school
49 districts to develop and implement end-of-course
50 assessments; requiring a review of assessments by the
51 Commissioner of Education; amending s. 1009.40, F.S.;
52 deleting cross-references to conform to changes made by
53 the act; repealing s. 1009.54, F.S., relating to the
54 Critical Teacher Shortage Program; repealing s. 1009.57,
55 F.S., relating to the Florida Teacher Scholarship and
56 Forgivable Loan Program; repealing s. 1009.58, F.S.,

57 relating to the Critical Teacher Shortage Tuition
58 Reimbursement Program; repealing s. 1009.59, F.S.,
59 relating to the Critical Teacher Shortage Student Loan
60 Forgiveness Program; amending s. 1009.94, F.S.; deleting
61 cross-references to conform to changes made by the act;
62 creating s. 1011.626, F.S.; providing legislative findings
63 and intent; creating the Performance Fund for
64 Instructional Personnel and School-Based Administrators;
65 providing for calculation of the fund amount; providing
66 for distribution of funds to districts and specifying
67 purposes for which funds may be expended; providing for
68 reversion of unexpended funds; specifying that salary
69 increases from these funds are in addition to other salary
70 adjustments; specifying requirements for individuals paid
71 from federal grants; requiring that each district school
72 board submit its district adopted salary schedule and
73 certain assessments to the Commissioner of Education for
74 review; requiring that the commissioner determine
75 compliance with requirements applicable to the schedules
76 and assessments; requiring a review by the Auditor General
77 of certain classroom teacher contracts; requiring that the
78 Commissioner of Education notify the Governor and
79 Legislature of school districts that fail to comply with
80 salary schedule, assessment, and contract requirements;
81 requiring a specified funding adjustment to be imposed
82 against a school district for such failure to comply;
83 requiring that the State Board of Education adopt rules;
84 amending s. 1011.69, F.S.; deleting a provision that

85 | exempts academic performance-based charter school
86 | districts from the Equity in School-Level Funding Act to
87 | conform to changes made by the act; amending s. 1012.05,
88 | F.S.; revising the Department of Education's
89 | responsibilities for teacher recruitment; amending s.
90 | 1012.07, F.S.; revising the methodology for determining
91 | critical teacher shortage areas; deleting cross-references
92 | to conform to changes made by the act; amending s.
93 | 1012.22, F.S.; revising the powers and duties of the
94 | district school board with respect to school district
95 | compensation and salary schedules; requiring that certain
96 | performance criteria be included in the adopted schedules;
97 | revising the differentiated pay provisions; repealing s.
98 | 1012.225, F.S., relating to the Merit Award Program for
99 | Instructional Personnel and School-Based Administrators;
100 | repealing s. 1012.2251, F.S., relating to the end-of-
101 | course examinations for the Merit Award Program; amending
102 | s. 1012.33, F.S.; revising provisions relating to
103 | contracts with certain educational personnel; requiring a
104 | district school board's decision to retain personnel who
105 | have continuing contracts or professional service
106 | contracts to be primarily based on the employee's
107 | performance; deleting requirements that school board
108 | decisions for workforce reductions be based on collective
109 | bargaining agreements; deleting requirements for district
110 | school board rules for workforce reduction; creating s.
111 | 1012.335, F.S.; providing definitions; providing
112 | employment criteria for newly hired classroom teachers;

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

141 certification requirements; amending s. 1012.585, F.S.;

142 providing for future expiration of provisions governing

143 certification of teachers who hold national certification;

144 revising the renewal requirements for a professional

145 certificate; providing additional requirements that must

146 be met in order to renew the certificate; requiring that

147 the State Board of Education adopt rules for the renewal

148 of a certificate held by a certificateholder who has not

149 been evaluated under s. 1012.34, F.S.; amending s.

150 1012.72, F.S.; limiting bonuses under the Dale Hickam

151 Excellent Teaching Program to individuals who remain

152 continuously employed in a public school in this state or

153 the Florida School for the Deaf and the Blind; amending s.

154 1012.79, F.S.; revising the composition of the Education

155 Practices Commission; conforming provisions to changes

156 made by the act; amending s. 1012.795, F.S.; conforming

157 provisions to changes made by the act; requiring that the

158 Department of Education submit a report on the cost-

159 effectiveness of teacher preparation programs to the

160 Governor and the Legislature by a specified date;

161 specifying the report requirements; requiring that the

162 Office of Program Policy Analysis and Government

163 Accountability submit recommendations to the Legislature

164 relating to changes in the criteria for the continued

165 approval of teacher preparation programs; authorizing

166 school districts to seek an exemption from the State Board

167 of Education from the requirement of certain laws;

168 authorizing the State Board of Education to adopt rules;

169 providing for severability; providing for application of a
 170 specified provision of the act; providing effective dates.
 171

172 Be It Enacted by the Legislature of the State of Florida:
 173

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

176 39.202 Confidentiality of reports and records in cases of
 177 child abuse or neglect.—

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

182 (t) Employees or agents of the Department of Education who
 183 are responsible for the investigation or prosecution of
 184 misconduct by certified educators.

185 Section 2. Paragraph (c) of subsection (2) of section
 186 447.403, Florida Statutes, is amended to read:

187 447.403 Resolution of impasses.—

188 (2)

189 ~~(c) If the district school board is the public employer~~
 190 ~~and an impasse is declared under subsection (1) involving a~~
 191 ~~dispute of a Merit Award Program plan under s. 1012.225, the~~
 192 ~~dispute is subject to an expedited impasse hearing.~~

193 ~~Notwithstanding subsections (3), (4), and (5), and the rules~~
 194 ~~adopted by the commission, the following procedures shall apply:~~

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

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197 ~~impasse. If the parties are unable to agree upon a special~~
198 ~~magistrate within 5 days after the date of the letter~~
199 ~~transmitting the list of choices, the commission shall~~
200 ~~immediately appoint a special magistrate. The special magistrate~~
201 ~~shall set the hearing, which shall be held no later than 15 days~~
202 ~~after the date of appointment of the special magistrate. Within~~
203 ~~5 days after the date of appointment of a special magistrate,~~
204 ~~each party shall serve upon the special magistrate and upon each~~
205 ~~other party a written list of issues at impasse.~~

206 ~~b. At the close of the hearing, the parties shall~~
207 ~~summarize their arguments and may provide a written memorandum~~
208 ~~in support of their positions.~~

209 ~~c. Within 10 days after the close of the hearing, the~~
210 ~~special magistrate shall transmit a recommended decision to the~~
211 ~~commission and the parties.~~

212 ~~d. The recommended decision of the special magistrate~~
213 ~~shall be deemed accepted by the parties, except as to those~~
214 ~~recommendations that a party specifically rejects, by filing a~~
215 ~~written notice with the commission and serving a copy on the~~
216 ~~other party within 5 days after the date of the recommended~~
217 ~~decision.~~

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

222 Section 3. Paragraph (c) is added to subsection (16) of
223 section 1002.33, Florida Statutes, paragraph (a) of subsection
224 (20) of that section is amended, present subsection (26) of that

225 section is redesignated as subsection (27), and a new subsection
 226 (26) is added to that section, to read:

227 1002.33 Charter schools.—

228 (16) EXEMPTION FROM STATUTES.—

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

230 1. A charter school may not award a professional service
 231 contract or similar contract to a classroom teacher hired on or
 232 after July 1, 2010.

233 2. Beginning with the 2014-2015 school year and
 234 thereafter, a charter school must adopt a salary schedule for
 235 instructional personnel and school-based administrators which
 236 compensates instructional personnel and school-based
 237 administrators based on their performance. Salary adjustments
 238 for instructional personnel and school-based administrators must
 239 be based only on performance demonstrated under s. 1012.34. A
 240 charter school may not use length of service or degrees held by
 241 instructional personnel or school-based administrators as a
 242 factor in setting the salary schedule.

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

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

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

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

249 c. Adopt a performance appraisal system that complies with
 250 s. 1012.34.

251 (20) SERVICES.—

252 (a) A sponsor shall provide certain administrative and

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

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281 5-percent administrative fee for enrollment for up to and
282 including 500 students. For charter schools with a population of
283 501 or more students, the difference between the total
284 administrative fee calculation and the amount of the
285 administrative fee withheld may only be used for capital outlay
286 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
287 ~~receive 100 percent of the funds awarded to that school pursuant~~
288 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
289 additional fees or surcharges for administrative and educational
290 services in addition to the maximum 5-percent administrative fee
291 withheld pursuant to this paragraph.

292 (26) FUNDING AND COMPLIANCE.—

293 (a) Effective with the beginning of the 2011-2012 year,
294 and each year thereafter, the Commissioner of Education shall
295 calculate and distribute funds from the Performance Fund for
296 Instructional Personnel and School-Based Administrators in s.
297 1011.626 to charter schools in the same manner as for school
298 districts. Charter schools must meet the requirements in s.
299 1011.626(5).

300 (b) By September 15 of each year, each charter school
301 governing board shall certify to the Commissioner of Education
302 that its school meets the requirements in paragraph (16)(c). The
303 commissioner shall verify compliance with paragraph (16)(c) by
304 selecting a sample of charter schools each year to provide
305 information to determine compliance. On or before October 1 of
306 each year, a selected charter school must submit the requested
307 information to the commissioner. On or before December 15 of
308 each year, the commissioner shall complete a review of each

309 selected charter school for that school year, determine
 310 compliance with paragraph (16)(c), and notify each charter
 311 school governing board and sponsor if the charter school is not
 312 in compliance with paragraph (16)(c). The commissioner shall
 313 certify the charter schools that do not comply with paragraph
 314 (16)(c) to the Governor, the President of the Senate, and the
 315 Speaker of the House of Representative on or before February 15
 316 of each year. Each certified charter school shall receive a
 317 funding adjustment of state funds equivalent to 5 percent of the
 318 total Florida Education Finance Program funds provided in the
 319 General Appropriations Act for the charter school. Such funding
 320 adjustment shall be implemented through the withholding of funds
 321 to which the charter school is entitled.

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

324 1003.52 Educational services in Department of Juvenile
 325 Justice programs.—

326 (10) The district school board shall recruit and train
 327 teachers who are interested, qualified, or experienced in
 328 educating students in juvenile justice programs. Students in
 329 juvenile justice programs shall be provided a wide range of
 330 educational programs and opportunities including textbooks,
 331 technology, instructional support, and other resources available
 332 to students in public schools. Teachers assigned to educational
 333 programs in juvenile justice settings in which the district
 334 school board operates the educational program shall be selected
 335 by the district school board in consultation with the director
 336 of the juvenile justice facility. Educational programs in

337 juvenile justice facilities shall have access to the substitute
 338 teacher pool utilized by the district school board. Full-time
 339 teachers working in juvenile justice schools, whether employed
 340 by a district school board or a provider, shall be eligible for
 341 ~~the critical teacher shortage tuition reimbursement program as~~
 342 ~~defined by s. 1009.58 and other~~ teacher recruitment and
 343 retention programs.

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

345 Section 6. Paragraph (h) of subsection (2) of section
 346 1003.621, Florida Statutes, is amended to read:

347 1003.621 Academically high-performing school districts.—It
 348 is the intent of the Legislature to recognize and reward school
 349 districts that demonstrate the ability to consistently maintain
 350 or improve their high-performing status. The purpose of this
 351 section is to provide high-performing school districts with
 352 flexibility in meeting the specific requirements in statute and
 353 rules of the State Board of Education.

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

359 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 360 differentiated pay and performance-pay policies for school
 361 administrators and instructional personnel, and s. 1012.34,
 362 relating to appraisal procedures and criteria. Professional
 363 service contracts are subject to the provisions of s. ~~ss.~~

364 1012.33 ~~and 1012.34~~. Contracts with classroom teachers hired on
 365 or after July 1, 2010, are subject to s. 1012.335.

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

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

370 1004.04 Public accountability and state approval for
 371 teacher preparation programs.—

372 (4) INITIAL STATE PROGRAM APPROVAL.—

373 (b) Each teacher preparation program approved by the
 374 Department of Education, as provided for by this section, shall
 375 require students to meet the following as prerequisites for
 376 admission into the program:

377 1. Have a grade point average of at least 2.5 on a 4.0
 378 scale for the general education component of undergraduate
 379 studies or have completed the requirements for a baccalaureate
 380 degree with a minimum grade point average of 2.5 on a 4.0 scale
 381 from any college or university accredited by a regional
 382 accrediting association as defined by State Board of Education
 383 rule or any college or university otherwise approved pursuant to
 384 State Board of Education rule.

385 2. Demonstrate mastery of general knowledge, including the
 386 ability to read, write, and compute, by passing the General
 387 Knowledge Test of the Florida Teacher Certification Examination,
 388 the College Level Academic Skills Test, a corresponding
 389 component of the National Teachers Examination series, or a
 390 similar test pursuant to rules of the State Board of Education.

391

392 ~~Each teacher preparation program may waive these admissions~~
393 ~~requirements for up to 10 percent of the students admitted.~~
394 ~~Programs shall implement strategies to ensure that students~~
395 ~~admitted under a waiver receive assistance to demonstrate~~
396 ~~competencies to successfully meet requirements for~~
397 ~~certification.~~

398 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
399 (4), failure by a public or nonpublic teacher preparation
400 program to meet the criteria for continued program approval
401 shall result in loss of program approval. The Department of
402 Education, in collaboration with the departments and colleges of
403 education, shall develop procedures for continued program
404 approval that document the continuous improvement of program
405 processes and graduates' performance.

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

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

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420 (c) ~~(b)~~ Additional criteria for continued program approval
421 for public institutions may be approved by the State Board of
422 Education. Such criteria must emphasize instruction in classroom
423 management and must provide for the evaluation of the teacher
424 candidates' performance in this area. The criteria shall also
425 require instruction in working with underachieving students.
426 Program evaluation procedures must include, but are not limited
427 to, program graduates' satisfaction with instruction and the
428 program's responsiveness to local school districts. Additional
429 criteria for continued program approval for nonpublic
430 institutions shall be developed in the same manner as for public
431 institutions; however, such criteria must be based upon
432 significant, objective, and quantifiable graduate performance
433 measures. Responsibility for collecting data on outcome measures
434 through survey instruments and other appropriate means shall be
435 shared by the postsecondary educational institutions and the
436 Department of Education. By January 1 of each year, the
437 Department of Education shall report this information for each
438 postsecondary educational institution that has state-approved
439 programs of teacher education to the Governor, the State Board
440 of Education, the Board of Governors, the Commissioner of
441 Education, the President of the Senate, the Speaker of the House
442 of Representatives, all Florida postsecondary teacher
443 preparation programs, and interested members of the public. This
444 report must analyze the data and make recommendations for
445 improving teacher preparation programs in the state.

446 (d) ~~(e)~~ Continued approval for a teacher preparation
447 program is contingent upon the results of periodic reviews, on a

448 | schedule established by the State Board of Education, of the
449 | program conducted by the postsecondary educational institution,
450 | using procedures and criteria outlined in an institutional
451 | program evaluation plan approved by the Department of Education,
452 | which must include the program's review of and response to the
453 | effect of its candidates and graduates on K-12 student learning.
454 | This plan must also incorporate and respond to the criteria
455 | established in paragraphs ~~(a) and~~ (b) and (c) and include
456 | provisions for involving primary stakeholders, such as program
457 | graduates, district school personnel, classroom teachers,
458 | principals, community agencies, and business representatives in
459 | the evaluation process. Upon request by an institution, the
460 | department shall provide assistance in developing, enhancing, or
461 | reviewing the institutional program evaluation plan and training
462 | evaluation team members.

463 | (e)~~(d)~~ Continued approval for a teacher preparation
464 | program is contingent upon standards being in place that are
465 | designed to adequately prepare elementary, middle, and high
466 | school teachers to instruct their students in reading and
467 | higher-level mathematics concepts and in the use of technology
468 | at the appropriate grade level.

469 | (f)~~(e)~~ Continued approval of teacher preparation programs
470 | is contingent upon compliance with the student admission
471 | requirements of subsection (4) ~~and upon the receipt of at least~~
472 | ~~a satisfactory rating from public schools and private schools~~
473 | ~~that employ graduates of the program.~~ Each teacher preparation
474 | program shall guarantee the high quality of its graduates during
475 | the first 2 years immediately following graduation from the

476 program or following the graduate's initial certification,
477 whichever occurs first. Any educator in a Florida school who
478 fails to demonstrate student learning gains ~~the essential skills~~
479 as specified in paragraph (a) ~~subparagraphs 1.-5.~~ shall be
480 provided additional training by the teacher preparation program
481 at no expense to the educator or the employer. Such training
482 must consist of an individualized plan agreed upon by the school
483 district and the postsecondary educational institution that
484 includes specific learning outcomes. The postsecondary
485 educational institution assumes no responsibility for the
486 educator's employment contract with the employer. ~~Employer~~
487 ~~satisfaction shall be determined by an annually administered~~
488 ~~survey instrument approved by the Department of Education that,~~
489 ~~at a minimum, must include employer satisfaction of the~~
490 ~~graduates' ability to do the following:~~

491 ~~1. Write and speak in a logical and understandable style~~
492 ~~with appropriate grammar.~~

493 ~~2. Recognize signs of students' difficulty with the~~
494 ~~reading and computational process and apply appropriate measures~~
495 ~~to improve students' reading and computational performance.~~

496 ~~3. Use and integrate appropriate technology in teaching~~
497 ~~and learning processes.~~

498 ~~4. Demonstrate knowledge and understanding of Sunshine~~
499 ~~State Standards.~~

500 ~~5. Maintain an orderly and disciplined classroom conducive~~
501 ~~to student learning.~~

502 (g) ~~(f)~~1. Each Florida public and private institution that
503 offers a state-approved teacher preparation program must

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504 annually report information regarding these programs to the
505 state and the general public. This information shall be reported
506 in a uniform and comprehensible manner that is consistent with
507 definitions and methods approved by the Commissioner of the
508 National Center for Educational Statistics and that is approved
509 by the State Board of Education. This information must include,
510 at a minimum:

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

513 b. The average length of stay of graduates in their full-
514 time teaching positions.

515 c. The percentage of graduates whose students achieved
516 learning gains, as specified in paragraph (a). For purposes of
517 this paragraph, the information shall include the percentage of
518 the students taught per graduate who achieved learning gains.
519 ~~Satisfaction ratings required in paragraph (e).~~

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

530 a. Average length of stay of graduates in their teaching
531 positions.

532 b. The percent of graduates obtaining full-time teaching
 533 employment within the first year of graduation. ~~Satisfaction~~
 534 ~~ratings of graduates' employers.~~

535

536 This information shall be reported through publications,
 537 including college and university catalogs and promotional
 538 materials sent to potential applicants, secondary school
 539 guidance counselors, and prospective employers of the
 540 institution's program graduates.

541 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary
 542 instructors, school district personnel and instructional
 543 personnel, and school sites preparing instructional personnel
 544 through preservice field experience courses and internships
 545 shall meet special requirements. District school boards are
 546 authorized to pay student teachers during their internships.

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

555 (b) All school district personnel and instructional
 556 personnel who supervise or direct teacher preparation students
 557 during field experience courses or internships must have
 558 evidence of "clinical educator" training and must successfully
 559 demonstrate effective classroom management strategies that

560 consistently result in improved student performance. The State
561 Board of Education shall approve the training requirements.

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

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

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

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

593 1004.85 Postsecondary educator preparation institutes.—

594 (3) Educator preparation institutes approved pursuant to
 595 this section may offer alternative certification programs
 596 specifically designed for noneducation major baccalaureate
 597 degree holders to enable program participants to meet the
 598 educator certification requirements of s. 1012.56. Such programs
 599 shall be competency-based educator certification preparation
 600 programs that prepare educators through an alternative route. An
 601 educator preparation institute choosing to offer an alternative
 602 certification program pursuant to the provisions of this section
 603 must implement a program previously approved by the Department
 604 of Education for this purpose or a program developed by the
 605 institute and approved by the department for this purpose.
 606 Approved programs shall be available for use by other approved
 607 educator preparation institutes.

608 (b) Each program participant must:

609 1. Meet certification requirements pursuant to s.
 610 1012.56(1) and (2) by obtaining a statement of status of
 611 eligibility prior to admission into the program which indicates
 612 eligibility for a temporary certificate in a teaching subject
 613 and meet the requirements of s. 1012.56(2) (a)-(f).

614 2. Participate in field experience that is appropriate to
 615 his or her educational plan.

616 3. Demonstrate mastery of general knowledge by one of the
617 options provided in s. 1012.56(3) prior to completion of the
618 program.

619 ~~4.3.~~ Fully demonstrate his or her ability to teach the
620 subject area for which he or she is seeking certification
621 through field experiences and by achievement of a passing score
622 on the corresponding subject area test prior to completion of
623 the program and demonstrate mastery of professional preparation
624 and education competence by achievement of a passing score on
625 the professional education competency examination required by
626 state board rule prior to completion of the program.

627 (4) Each alternative certification program institute
628 approved pursuant to this section shall submit to the Department
629 of Education annual performance evaluations that measure the
630 effectiveness of the programs, including the pass rates of
631 participants on all examinations required for teacher
632 certification, employment rates, longitudinal retention rates,
633 and a review of the impact that participants who have completed
634 the program have on K-12 student learning and employer
635 satisfaction surveys. The employer satisfaction surveys must be
636 designed to measure the sufficient preparation of the educator
637 to enter the classroom. These evaluations and evidence of
638 student learning gains, as measured by state assessments
639 required under s. 1008.22, shall be used by the Department of
640 Education for purposes of continued approval of an educator
641 preparation institute's alternative certification program.

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

644 ~~s. 1004.04(6) possess a master's degree in education or a~~
645 ~~master's degree in an appropriate related field and document~~
646 ~~teaching experience.~~

647 Section 11. Section 1008.222, Florida Statutes, is created
648 to read:

649 1008.222 Development and implementation of end-of-course
650 assessments of certain subject areas and grade levels.—

651 (1) Each school district must develop or acquire a valid
652 and reliable end-of-course assessment for each subject area and
653 grade level not measured by state assessments required under s.
654 1008.22 or by examinations in AP, IB, AICE, or a national
655 industry certification identified in the Industry Certification
656 Funding List pursuant to rules adopted by the State Board of
657 Education. The content, knowledge, and skills assessed by end-
658 of-course assessments for each school district must be aligned
659 to the core curricular content established in the Sunshine State
660 Standards.

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

665 (b) Each district school superintendent must ensure that
666 teachers who provide instruction in the same subject or grade
667 level administer the same end-of-course assessment, as described
668 in subsection (1). Each school district must adopt policies to
669 ensure standardized administration and security of the
670 assessments.

671 (c) Each district school superintendent is responsible for

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672 implementing standardized assessment security and
673 administration, the reporting of assessment results, and using
674 assessment results to comply with provisions of ss.
675 1012.22(1)(c) and 1012.34. The district school superintendent
676 shall certify to the Commissioner of Education that the security
677 of a standardized assessment required under this section is
678 maintained. If a district school superintendent's certification
679 is determined to be invalid through an audit by the Auditor
680 General or an investigation by the Department of Education, the
681 superintendent is subject to suspension and removal on the
682 grounds of misfeasance pursuant to s. 7, Art. IV of the State
683 Constitution.

684 (d) The Commissioner of Education shall identify methods
685 to assist and support districts in the development and
686 acquisition of assessments required under this section. Methods
687 may include the development of item banks, facilitation of the
688 sharing of developed tests among districts, and technical
689 assistance in best professional practices of test development
690 based on state-adopted curriculum standards, administration, and
691 security.

692 Section 12. Paragraph (a) of subsection (1) of section
693 1009.40, Florida Statutes, is amended to read:

694 1009.40 General requirements for student eligibility for
695 state financial aid awards and tuition assistance grants.—

696 (1)(a) The general requirements for eligibility of
697 students for state financial aid awards and tuition assistance
698 grants consist of the following:

699 1. Achievement of the academic requirements of and

700 acceptance at a state university or community college; a nursing
 701 diploma school approved by the Florida Board of Nursing; a
 702 Florida college, university, or community college which is
 703 accredited by an accrediting agency recognized by the State
 704 Board of Education; any Florida institution the credits of which
 705 are acceptable for transfer to state universities; any career
 706 center; or any private career institution accredited by an
 707 accrediting agency recognized by the State Board of Education.

708 2. Residency in this state for no less than 1 year
 709 preceding the award of aid or a tuition assistance grant for a
 710 program established pursuant to s. 1009.50, s. 1009.505, s.
 711 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
 712 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
 713 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.
 714 Residency in this state must be for purposes other than to
 715 obtain an education. Resident status for purposes of receiving
 716 state financial aid awards shall be determined in the same
 717 manner as resident status for tuition purposes pursuant to s.
 718 1009.21.

719 3. Submission of certification attesting to the accuracy,
 720 completeness, and correctness of information provided to
 721 demonstrate a student's eligibility to receive state financial
 722 aid awards or tuition assistance grants. Falsification of such
 723 information shall result in the denial of any pending
 724 application and revocation of any award or grant currently held
 725 to the extent that no further payments shall be made.
 726 Additionally, students who knowingly make false statements in
 727 order to receive state financial aid awards or tuition

728 assistance grants commit a misdemeanor of the second degree
 729 subject to the provisions of s. 837.06 and shall be required to
 730 return all state financial aid awards or tuition assistance
 731 grants wrongfully obtained.

732 Section 13. Section 1009.54, Florida Statutes, is
 733 repealed.

734 Section 14. Section 1009.57, Florida Statutes, is
 735 repealed.

736 Section 15. Section 1009.58, Florida Statutes, is
 737 repealed.

738 Section 16. Section 1009.59, Florida Statutes, is
 739 repealed.

740 Section 17. Paragraph (c) of subsection (2) of section
 741 1009.94, Florida Statutes, is amended to read:

742 1009.94 Student financial assistance database.—

743 (2) For purposes of this section, financial assistance
 744 includes:

745 (c) Any financial assistance provided under s. 1009.50, s.
 746 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
 747 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
 748 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
 749 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

750 Section 18. Section 1011.626, Florida Statutes, is created
 751 to read:

752 1011.626 Performance Fund for Instructional Personnel and
 753 School-Based Administrators.—

754 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 755 to ensure that every student has a high-quality teacher in his

756 or her classroom. The Legislature intends, therefore, to hold
757 school districts accountable for demonstrably increasing student
758 achievement.

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

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

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

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

780 (d) A school district that fails to comply with s.
781 1012.335 frustrates the purpose of ensuring that each student
782 has a high-quality teacher in his or her classroom by preventing
783 the school district from promptly removing a poor-performing

784 classroom teacher from the classroom and employment.

785 (3) PERFORMANCE FUND.—Effective with the beginning of the
786 2011-2012 year and each year thereafter, the Performance Fund
787 for Instructional Personnel and School-Based Administrators is
788 established.

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

797 (5) DISTRIBUTION OF THE FUND.—

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

807 (b) If funds remain in a district's Performance Fund for
808 Instructional Personnel and School-Based Administrators after
809 the end-of-course assessments in s. 1008.222, performance
810 appraisal system requirements in s. 1012.34, and salary schedule
811 requirements in s. 1012.22 have been met, the balance may be

812 used by the district for the same purpose as funds provided
813 pursuant to s. 1011.62(1)(t). Any funds remaining in a
814 district's fund at the end of the state fiscal year shall revert
815 to the fund from which they were appropriated.

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

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

828 (6) REVIEW.—

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

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

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

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

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868 December 15 of each year, the commissioner shall notify the
869 Governor, the President of the Senate, the Speaker of the House
870 of Representatives, and each school district identified in the
871 audit that has not complied with s. 1012.335.

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

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

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

894 1011.69 Equity in School-Level Funding Act.—

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

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

917 1012.05 Teacher recruitment and retention.—

918 (4) The Department of Education, in cooperation with
 919 district personnel offices, may shall sponsor virtual job fairs
 920 ~~a job fair in a central part of the state~~ to match high-quality,
 921 ~~in-state educators and potential educators~~ and out-of-state
 922 educators and potential educators with teaching opportunities in

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

930 | Section 21. Section 1012.07, Florida Statutes, is amended
 931 | to read:

932 | 1012.07 Identification of critical teacher shortage
 933 | areas.—

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

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951 ~~to be certified to and~~ approved by the State Board of Education.
952 High-priority ~~High priority~~ location areas shall be in high-
953 density, low-economic urban schools, ~~and~~ low-density, low-
954 economic rural schools, ~~and~~ schools identified as lowest
955 performing under s. 1008.33(4)(b) ~~shall include schools which~~
956 ~~meet criteria which include, but are not limited to, the~~
957 ~~percentage of free lunches, the percentage of students under~~
958 ~~Chapter I of the Education Consolidation and Improvement Act of~~
959 ~~1981, and the faculty attrition rate.~~

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

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

965 1012.22 Public school personnel; powers and duties of the
966 district school board.—The district school board shall:

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

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

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

979 ~~employees and fix and authorize the compensation of school~~
980 ~~employees on the basis thereof.~~

981 b.2. A district school board, in determining the salary
982 adjustments ~~schedule~~ for instructional personnel and school-
983 based administrators, must base ~~a portion of~~ each employee's
984 adjustment only compensation on performance demonstrated under
985 s. 1012.34, ~~must consider the prior teaching experience of a~~
986 ~~person who has been designated state teacher of the year by any~~
987 ~~state in the United States, and must consider prior professional~~
988 ~~experience in the field of education gained in positions in~~
989 ~~addition to district level instructional and administrative~~
990 ~~positions.~~

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

994 2.4. ~~Beginning with the 2007-2008 academic year,~~ Each
995 district school board shall adopt a salary adjustment for
996 ~~schedule with~~ differentiated pay for both instructional
997 personnel and school-based administrators. ~~The salary schedule~~
998 ~~is subject to negotiation as provided in chapter 447 and must~~
999 ~~allow differentiated pay based on~~ the following:

1000 a. Assignment to a school in a high-priority location
1001 area, as defined in State Board of Education rule, with
1002 continued differentiated pay contingent upon documentation of
1003 performance under s. 1012.34;

1004 b. Certification and teaching in critical teacher shortage
1005 areas, as defined in State Board of Education rule, with
1006 continued differentiated pay contingent upon documentation of

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1007 performance under s. 1012.34; and
 1008 c. Assignment of additional academic responsibilities,
 1009 with continued differentiated pay contingent upon documentation
 1010 of performance under s. 1012.34.
 1011 3. A district school board shall adopt a salary schedule
 1012 for beginning and renewing teachers as follows:
 1013 a. A beginning teacher. For purposes of this sub-
 1014 subparagraph, the term "beginning teacher" is a classroom
 1015 teacher as defined in s. 1012.01(2)(a), excluding a substitute
 1016 teacher, who has no prior K-12 teaching experience.
 1017 b. A teacher who holds a valid professional standard
 1018 certificate issued by another state and who is hired by the
 1019 district school board.
 1020 c. A teacher who holds a valid professional certificate
 1021 issued pursuant to s. 1012.56, who has not taught in the
 1022 classroom at any time during the previous certification period,
 1023 and who is hired by the district school board.
 1024 4. The salary schedule in subparagraph 3. shall be in
 1025 effect only for the first year that the teacher provides
 1026 instruction in a Florida K-12 classroom. A district school board
 1027 may not use length of service or degrees held as a factor in
 1028 setting a salary schedule ~~district-determined factors,~~
 1029 ~~including, but not limited to, additional responsibilities,~~
 1030 ~~school demographics, critical shortage areas, and level of job~~
 1031 ~~performance difficulties.~~
 1032 Section 23. Section 1012.225, Florida Statutes, is
 1033 repealed.

1034 Section 24. Section 1012.2251, Florida Statutes, is
 1035 repealed.

1036 Section 25. Subsection (5) of section 1012.33, Florida
 1037 Statutes, is amended to read:

1038 1012.33 Contracts with instructional staff, supervisors,
 1039 and school principals.—

1040 (5) Should a district school board have to choose from
 1041 among its personnel who are on continuing contracts or
 1042 professional service contracts as to which should be retained,
 1043 such decisions shall be based primarily upon the employee's
 1044 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
 1045 ~~of a collectively bargained agreement, when one exists. If no~~
 1046 ~~such agreement exists, the district school board shall prescribe~~
 1047 ~~rules to handle reductions in workforce.~~

1048 Section 26. Section 1012.335, Florida Statutes, is created
 1049 to read:

1050 1012.335 Contracts with classroom teachers hired on or
 1051 after July 1, 2010.—

1052 (1) DEFINITIONS.—As used in this section, the term:

1053 (a) "Annual contract" means a contract for a period of no
 1054 longer than 1 school year in which the district school board may
 1055 choose to renew or not renew without cause.

1056 (b) "Classroom teacher" means a classroom teacher as
 1057 defined in s. 1012.01(2) (a), excluding substitute teachers.

1058 (c) "Probationary contract" means a contract for a period
 1059 of no longer than 1 school year during which a classroom teacher
 1060 may be dismissed without cause or may resign from the
 1061 contractual position without breach of contract.

1062 (2) EMPLOYMENT.—
 1063 (a) Beginning July 1, 2010, each person newly hired as a
 1064 classroom teacher by a school district shall receive a
 1065 probationary contract.
 1066 (b) A classroom teacher may receive up to four annual
 1067 contracts in a school district in this state if the teacher:
 1068 1. Holds a professional certificate as prescribed by s.
 1069 1012.56 and in the rules of the State Board of Education; and
 1070 2. Has been recommended by the district school
 1071 superintendent for the annual contract and approved by the
 1072 district school board.
 1073 (c) A classroom teacher may not receive an annual contract
 1074 for the 6th year of teaching and thereafter unless the classroom
 1075 teacher:
 1076 1. Holds a professional certificate as prescribed by s.
 1077 1012.56 and in the rules of the State Board of Education;
 1078 2. Has been recommended by the district school
 1079 superintendent for the annual contract and approved by the
 1080 district school board; and
 1081 3. Has received an effective or highly effective
 1082 designation on his or her appraisal pursuant to s. 1012.34 in at
 1083 least 2 of the 3 preceding years for each year an annual
 1084 contract is sought.
 1085 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
 1086 ANNUAL CONTRACT.—A classroom teacher who has an annual contract
 1087 may be suspended or dismissed at any time during the term of the
 1088 contract for just cause as provided in subsection (4). The
 1089 district school board must notify a classroom teacher in writing

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1090 whenever charges are made against the classroom teacher, and the
 1091 district school board may suspend him or her without pay.
 1092 However, if the charges are not sustained, the classroom teacher
 1093 shall be immediately reinstated and his or her back pay shall be
 1094 paid.

1095 (4) JUST CAUSE.—The State Board of Education shall adopt
 1096 rules to define the term "just cause." Just cause includes, but
 1097 is not limited to:

1098 (a) Immorality.

1099 (b) Misconduct in office.

1100 (c) Incompetency.

1101 (d) Gross insubordination.

1102 (e) Willful neglect of duty.

1103 (f) Being convicted or found guilty of, or entering a plea
 1104 of guilty to, regardless of adjudication of guilt, any crime
 1105 involving moral turpitude.

1106 (g) Poor performance as demonstrated by a lack of student
 1107 learning gains, as specified in s. 1012.34.

1108 Section 27. Section 1012.34, Florida Statutes, is amended
 1109 to read:

1110 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1111 (1) For the purpose of increasing student achievement by
 1112 improving the quality of instructional, administrative, and
 1113 supervisory services in the public schools of the state, the
 1114 district school superintendent shall establish procedures for
 1115 evaluating ~~assessing~~ the performance of duties and
 1116 responsibilities of all instructional, administrative, and
 1117 supervisory personnel employed by the school district. The

1118 Department of Education must approve each district's
 1119 instructional personnel appraisal ~~assessment~~ system and
 1120 appraisal instruments. The Department of Education must approve
 1121 each school-based administrator appraisal system and appraisal
 1122 instruments. The department shall collect from each school
 1123 district the annual performance ratings of all instructional and
 1124 school-based administrative personnel and report the percentage
 1125 of each of these employees receiving each rating category by
 1126 school and by district to the Governor, the President of the
 1127 Senate, and the Speaker of the House of Representatives.

1128 (2) The following conditions must be considered in the
 1129 design of the district's instructional personnel appraisal
 1130 ~~assessment~~ system:

1131 (a) The system must be designed to support high-quality
 1132 instruction and increased academic achievement ~~district and~~
 1133 ~~school level improvement plans.~~

1134 (b) The system must provide appropriate appraisal
 1135 instruments, procedures, and criteria for continuous quality
 1136 improvement of the professional skills of instructional
 1137 personnel.

1138 (c) The system must include a mechanism to examine
 1139 performance data from multiple sources, which includes giving
 1140 ~~give~~ parents an opportunity to provide input into employee
 1141 performance appraisals ~~assessments when appropriate.~~

1142 (d) In addition to addressing generic teaching
 1143 competencies, districts must determine those teaching fields for
 1144 which special procedures and criteria will be developed.

1145 (e) Each district school board may establish a peer

1146 assistance process. The plan may provide a mechanism for
 1147 assistance of persons who are placed on performance probation as
 1148 well as offer assistance to other employees who request it.

1149 (f) Each ~~The~~ district school board shall provide training
 1150 programs that are based upon guidelines provided by the
 1151 Department of Education to ensure that all individuals with
 1152 evaluation responsibilities understand the proper use of the
 1153 appraisal ~~assessment~~ criteria and procedures.

1154 (g) The system must differentiate among four levels of
 1155 performance: unsatisfactory, needs improvement, effective, and
 1156 highly effective. The Commissioner of Education shall consult
 1157 with performance pay experts and classroom teachers in
 1158 developing the performance levels. Beginning with the 2014-2015
 1159 school year and thereafter, instructional personnel and school-
 1160 based administrators may not be rated as effective or highly
 1161 effective if their students fail to demonstrate learning gains.

1162 (h) The system must include a process for monitoring the
 1163 effective and consistent use of appraisal criteria by
 1164 supervisors and administrators and a process for evaluating the
 1165 effectiveness of the system itself in improving the level of
 1166 instruction and learning in the district's schools.

1167 (3) The appraisal ~~assessment~~ procedure for instructional
 1168 personnel and school administrators must be ~~primarily~~ based on
 1169 the performance of students assigned to their classrooms or
 1170 schools, as described in paragraph (a) ~~appropriate~~. Pursuant to
 1171 ~~this section~~, A school district's performance appraisal
 1172 ~~assessment~~ is not limited to basing unsatisfactory performance
 1173 of instructional personnel and school administrators upon

1174 student performance, but may include other criteria approved to
1175 evaluate ~~assess~~ instructional personnel and school
1176 administrators' performance, or any combination of student
1177 performance and other approved criteria. The procedures must
1178 comply with, but are not limited to, the following requirements:

1179 (a) An appraisal ~~assessment~~ must be conducted for each
1180 employee at least once a year, except that an appraisal for each
1181 teacher, as described in s. 1012.22(1)(c)3., must be conducted
1182 at least twice a year. ~~The assessment must be based upon sound~~
1183 ~~educational principles and contemporary research in effective~~
1184 ~~educational practices. The assessment must primarily use data~~
1185 ~~and indicators of improvement in student performance assessed~~
1186 ~~annually as specified in s. 1008.22 and may consider results of~~
1187 ~~peer reviews in evaluating the employee's performance. Student~~
1188 ~~performance must be measured by state assessments required under~~
1189 ~~s. 1008.22 and by local assessments for subjects and grade~~
1190 ~~levels not measured by the state assessment program. The~~
1191 appraisal ~~assessment~~ criteria must include, but are not limited
1192 to, indicators that relate to the following:

1193 1. Performance of students.

1194 a. Beginning with the 2014-2015 school year and
1195 thereafter, for the classroom teacher, the learning gains of
1196 students assigned to the teacher must comprise more than 50
1197 percent of the determination of the classroom teacher's
1198 performance. Beginning with the 2014-2015 school year and
1199 thereafter, for instructional personnel, who are not classroom
1200 teachers, the learning gains of students assigned to the school
1201 must comprise more than 50 percent of the determination of the

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

1216 b. For instructional personnel, more than 50 percent of
 1217 the determination of the individual's performance must be based
 1218 on the performance of students assigned to their classrooms or
 1219 schools, as appropriate. Student performance must be measured by
 1220 state assessments required under s. 1008.22 and by local
 1221 assessments for subjects and grade levels not measured by the
 1222 state assessment program. This sub-subparagraph expires July 1,
 1223 2014.

1224 2. Instructional practice. For instructional personnel,
 1225 performance criteria must be based on the Florida Educator
 1226 Accomplished Practices adopted by the State Board of Education
 1227 by rule, which include:

1228 a. Ability to maintain appropriate discipline.

1229 ~~b.3.~~ Knowledge of subject matter. A district school board

1230 may consider advanced degrees held by instructional personnel.

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

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

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

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

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

1246 3. Instructional leadership performance.

1247 a. Beginning with the 2014-2015 school year and
 1248 thereafter, for a school-based administrator, the learning gains
 1249 of students assigned to the school must comprise more than 50
 1250 percent of the determination of the school-based administrator's
 1251 performance. A school district may use the learning gains of
 1252 students assigned to the school for the preceding 3 years to
 1253 determine the school-based administrator's performance. For
 1254 purposes of this sub-subparagraph, "school" means the school to
 1255 which the administrator was assigned for the last 3 years.
 1256 Student learning gains are measured by state assessments
 1257 required under s. 1008.22, examinations in AP, IB, AICE, or a

1258 national industry certification identified in the Industry
 1259 Certification Funding List pursuant to rules adopted by the
 1260 State Board of Education, or district assessments for subject
 1261 areas and grade levels as required under s. 1008.222.

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

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

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

1276 b. Recruit and retain high-performing teachers.

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

1280 (c) The individual responsible for supervising the
 1281 employee must evaluate ~~assess~~ the employee's performance. The
 1282 evaluator must submit a written report of the appraisal
 1283 ~~assessment~~ to the district school superintendent for the purpose
 1284 of reviewing the employee's contract. The evaluator must submit
 1285 the written report to the employee no later than 10 days after

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1286 the appraisal ~~assessment~~ takes place. The evaluator must discuss
1287 the written report of the appraisal ~~assessment~~ with the
1288 employee. The employee shall have the right to initiate a
1289 written response to the appraisal ~~assessment~~, and the response
1290 shall become a permanent attachment to his or her personnel
1291 file.

1292 (d) If an employee is not performing his or her duties in
1293 a satisfactory manner, the evaluator shall notify the employee
1294 in writing of such determination. The notice must describe such
1295 unsatisfactory performance and include notice of the following
1296 procedural requirements:

1297 1. Upon delivery of a notice of unsatisfactory
1298 performance, the evaluator must confer with the employee, make
1299 recommendations with respect to specific areas of unsatisfactory
1300 performance, and provide assistance in helping to correct
1301 deficiencies within a prescribed period of time.

1302 2.a. If the employee holds an annual contract as provided
1303 in s. 1012.335, and receives an unsatisfactory performance
1304 appraisal pursuant to the criteria in subparagraph (a)2., the
1305 employee may request a review of the appraisal by the district
1306 school superintendent or his or her designee. The district
1307 school superintendent may review the employee's appraisal.

1308 b. If the employee holds a professional service contract
1309 as provided in s. 1012.33, the employee shall be placed on
1310 performance probation and governed by the provisions of this
1311 section for 90 calendar days following the receipt of the notice
1312 of unsatisfactory performance to demonstrate corrective action.
1313 School holidays and school vacation periods are not counted when

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1314 calculating the 90-calendar-day period. During the 90 calendar
1315 days, the employee who holds a professional service contract
1316 must be evaluated periodically and apprised of progress achieved
1317 and must be provided assistance and inservice training
1318 opportunities to help correct the noted performance
1319 deficiencies. At any time during the 90 calendar days, the
1320 employee who holds a professional service contract may request a
1321 transfer to another appropriate position with a different
1322 supervising administrator; however, a transfer does not extend
1323 the period for correcting performance deficiencies.

1324 ~~c.b.~~ Within 14 days after the close of the 90 calendar
1325 days, the evaluator must evaluate ~~assess~~ whether the performance
1326 deficiencies have been corrected and forward a recommendation to
1327 the district school superintendent. Within 14 days after
1328 receiving the evaluator's recommendation, the district school
1329 superintendent must notify the employee who holds a professional
1330 service contract in writing whether the performance deficiencies
1331 have been satisfactorily corrected and whether the district
1332 school superintendent will recommend that the district school
1333 board continue or terminate his or her employment contract. If
1334 the employee wishes to contest the district school
1335 superintendent's recommendation, the employee must, within 15
1336 days after receipt of the district school superintendent's
1337 recommendation, submit a written request for a hearing. The
1338 hearing shall be conducted at the district school board's
1339 election in accordance with one of the following procedures:

1340 (I) A direct hearing conducted by the district school
1341 board within 60 days after receipt of the written appeal. The

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1342 hearing shall be conducted in accordance with the provisions of
1343 ss. 120.569 and 120.57. A majority vote of the membership of the
1344 district school board shall be required to sustain the district
1345 school superintendent's recommendation. The determination of the
1346 district school board shall be final as to the sufficiency or
1347 insufficiency of the grounds for termination of employment; or

1348 (II) A hearing conducted by an administrative law judge
1349 assigned by the Division of Administrative Hearings of the
1350 Department of Management Services. The hearing shall be
1351 conducted within 60 days after receipt of the written appeal in
1352 accordance with chapter 120. The recommendation of the
1353 administrative law judge shall be made to the district school
1354 board. A majority vote of the membership of the district school
1355 board shall be required to sustain or change the administrative
1356 law judge's recommendation. The determination of the district
1357 school board shall be final as to the sufficiency or
1358 insufficiency of the grounds for termination of employment.

1359 (4) The district school superintendent shall notify the
1360 department of any instructional personnel who receive two
1361 consecutive unsatisfactory evaluations and who have been given
1362 written notice by the district that their employment is being
1363 terminated or is not being renewed or that the district school
1364 board intends to terminate, or not renew, their employment. The
1365 department shall conduct an investigation to determine whether
1366 action shall be taken against the certificateholder pursuant to
1367 s. 1012.795(1)(c).

1368 (5) The district school superintendent shall develop a
1369 mechanism for evaluating the effective use of appraisal

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1370 ~~assessment~~ criteria and evaluation procedures by administrators
 1371 who are assigned responsibility for evaluating the performance
 1372 of instructional personnel. The use of the appraisal ~~assessment~~
 1373 and evaluation procedures shall be considered as part of the
 1374 annual appraisal ~~assessment~~ of the administrator's performance.
 1375 The system must include a mechanism to give parents and teachers
 1376 an opportunity to provide input into the administrator's
 1377 performance assessment, ~~when appropriate.~~

1378 (6) Nothing in this section shall be construed to grant a
 1379 probationary employee a right to continued employment beyond the
 1380 term of his or her contract.

1381 (7) The district school board shall establish a procedure
 1382 annually reviewing instructional personnel appraisal ~~assessment~~
 1383 systems to determine compliance with this section. All
 1384 substantial revisions to an approved system must be reviewed and
 1385 approved by the district school board before being used to
 1386 evaluate ~~assess~~ instructional personnel. Upon request by a
 1387 school district, the department shall provide assistance in
 1388 developing, improving, or reviewing an appraisal ~~assessment~~
 1389 system.

1390 (8) The State Board of Education shall adopt rules
 1391 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 1392 guidelines for the submission, review, and approval of district
 1393 procedures for the annual appraisal ~~assessment~~ of instructional
 1394 personnel and school-based administrative personnel and that
 1395 include the method of calculating rates of student learning tied
 1396 to differentiated levels of performance as provided for in

1397 paragraph (2)(g) and criteria for evaluating professional
 1398 performance.

1399 Section 28. Subsection (3) is added to section 1012.42,
 1400 Florida Statutes, to read:

1401 1012.42 Teacher teaching out-of-field.—

1402 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011
 1403 school year, a district school board shall not assign any
 1404 beginning teacher to teach reading, science, or mathematics if
 1405 he or she is not certified in reading, science, or mathematics.

1406 Section 29. Section 1012.52, Florida Statutes, is
 1407 repealed.

1408 Section 30. Paragraph (c) of subsection (2), subsections
 1409 (5), (6), and (7), paragraph (b) of subsection (9), and
 1410 subsection (17) of section 1012.56, Florida Statutes, are
 1411 amended to read:

1412 1012.56 Educator certification requirements.—

1413 (2) ELIGIBILITY CRITERIA.—To be eligible to seek
 1414 certification, a person must:

1415 (c) Document receipt of a bachelor's or higher degree from
 1416 an accredited institution of higher learning, or a nonaccredited
 1417 institution of higher learning that the Department of Education
 1418 has identified as having a quality program resulting in a
 1419 bachelor's degree, or higher. Each applicant seeking initial
 1420 certification must have attained at least a 2.5 overall grade
 1421 point average on a 4.0 scale in the applicant's major field of
 1422 study. The applicant may document the required education by
 1423 submitting official transcripts from institutions of higher
 1424 education or by authorizing the direct submission of such

1425 official transcripts through established electronic network
1426 systems. The bachelor's or higher degree may not be required in
1427 areas approved in rule by the State Board of Education as
1428 nondegreed areas. The State Board of Education may adopt rules
1429 that, for purposes of demonstrating completion of certification
1430 requirements specified in state board rule, allow for the
1431 acceptance of college course credits recommended by the American
1432 Council on Education (ACE), as posted on an official ACE
1433 transcript.

1434 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
1435 demonstrating mastery of subject area knowledge are:

1436 (a) Achievement of passing scores on subject area
1437 examinations required by state board rule, which may include,
1438 but need not be limited to, world languages in Arabic, Chinese,
1439 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
1440 Italian, Japanese, Portuguese, Russian, and Spanish;

1441 (b) Completion of a bachelor's degree or higher and
1442 verification of the attainment of an oral proficiency interview
1443 score above the intermediate level and a written proficiency
1444 score above the intermediate level on a test administered by the
1445 American Council on the Teaching of Foreign Languages for which
1446 there is no Florida-developed examination;

1447 (c) Completion of the subject area specialization
1448 requirements specified in state board rule and verification of
1449 the attainment of the essential subject matter competencies by
1450 the district school superintendent of the employing school
1451 district or chief administrative officer of the employing state-
1452 supported or private school for a subject area for which a

1453 subject area examination has not been developed and required by
 1454 state board rule;

1455 (d) Completion of the subject area specialization
 1456 requirements specified in state board rule for a subject
 1457 coverage requiring a master's or higher degree and achievement
 1458 of a passing score on the subject area examination specified in
 1459 state board rule;

1460 (e) A valid professional standard teaching certificate
 1461 issued by another state and achievement of a passing score on
 1462 the subject area exam specified in State Board of Education rule
 1463 or by a full demonstration of mastery of his or her ability to
 1464 teach the subject area for which he or she is seeking
 1465 certification, as provided by rules of the State Board of
 1466 Education; or

1467 (f) A valid certificate issued by the National Board for
 1468 Professional Teaching Standards or a national educator
 1469 credentialing board approved by the State Board of Education.

1470
 1471 School districts are encouraged to provide mechanisms for those
 1472 middle school teachers holding only a K-6 teaching certificate
 1473 to obtain a subject area coverage for middle grades through
 1474 postsecondary coursework or district add-on certification.

1475 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 1476 COMPETENCE.—Acceptable means of demonstrating mastery of
 1477 professional preparation and education competence are:

1478 (a) Completion of an approved teacher preparation program
 1479 at a postsecondary educational institution within this state and
 1480 achievement of a passing score on the professional education

1481 competency examination required by state board rule;

1482 (b) Completion of a teacher preparation program at a

1483 postsecondary educational institution outside Florida and

1484 achievement of a passing score on the professional education

1485 competency examination required by state board rule;

1486 (c) A valid professional standard teaching certificate

1487 issued by another state;

1488 (d) A valid certificate issued by the National Board for

1489 Professional Teaching Standards or a national educator

1490 credentialing board approved by the State Board of Education;

1491 (e) Documentation of two semesters of successful teaching

1492 in a community college, state university, or private college or

1493 university that awards an associate or higher degree and is an

1494 accredited institution or an institution of higher education

1495 identified by the Department of Education as having a quality

1496 program;

1497 (f) Completion of professional preparation courses as

1498 specified in state board rule, successful completion of a

1499 professional education competence demonstration program pursuant

1500 to paragraph (8)(b), and achievement of a passing score on the

1501 professional education competency examination required by state

1502 board rule;

1503 (g) Successful completion of a professional preparation

1504 alternative certification and education competency program,

1505 outlined in paragraph (8)(a); ~~or~~

1506 (h) Successful completion of an alternative certification

1507 program pursuant to s. 1004.85 and achievement of a passing

1508 score on the professional education competency examination

1509 required by rule of the State Board of Education; or-
 1510 (i) Successful completion of a professional education
 1511 training program provided by Teach for America and achievement
 1512 of a passing score on the professional education competency
 1513 examination required by rule of the State Board of Education.
 1514 (7) TYPES AND TERMS OF CERTIFICATION.—
 1515 (a) The Department of Education shall issue a professional
 1516 certificate for a period not to exceed 5 years to any applicant
 1517 who meets all the requirements outlined in subsection (2).
 1518 (b) The department shall issue a temporary certificate to
 1519 any applicant who meets the following requirements:
 1520 1. Completes the requirements outlined in paragraphs
 1521 (2) (a)-(f); ~~and~~
 1522 2.a. Completes the subject area content requirements
 1523 specified in state board rule; or
 1524 b. Demonstrates mastery of subject area knowledge pursuant
 1525 to subsection (5); and
 1526 3. Holds an accredited degree or a degree approved by the
 1527 Department of Education at the level required for the subject
 1528 area specialization in state board rule.
 1529 (c) The department shall issue one nonrenewable 2-year
 1530 temporary certificate and one nonrenewable 5-year professional
 1531 certificate to a qualified applicant who holds a bachelor's
 1532 degree in the area of speech-language impairment to allow for
 1533 completion of a master's degree program in speech-language
 1534 impairment.
 1535
 1536 Each temporary certificate is valid for 3 school fiscal years

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1537 and is nonrenewable. However, the requirement in paragraphs
1538 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of
1539 the date of employment under the temporary certificate.
1540 Individuals who are employed under contract at the end of the 1
1541 calendar year time period may continue to be employed through
1542 the end of the school year in which they have been contracted. A
1543 school district shall not employ, or continue the employment of,
1544 an individual in a position for which a temporary certificate is
1545 required beyond this time period if the individual has not met
1546 the requirement of paragraph (2) (g) or paragraph (2) (h). The
1547 State Board of Education shall adopt rules to allow the
1548 department to extend the validity period of a temporary
1549 certificate for 2 years when the requirements for the
1550 professional certificate, not including the requirement in
1551 paragraph (2) (g) or paragraph (2) (h), were not completed due to
1552 the serious illness or injury of the applicant or other
1553 extraordinary extenuating circumstances. The department shall
1554 reissue the temporary certificate for 2 additional years upon
1555 approval by the Commissioner of Education. A written request for
1556 reissuance of the certificate shall be submitted by the district
1557 school superintendent, the governing authority of a university
1558 lab school, the governing authority of a state-supported school,
1559 or the governing authority of a private school.

1560 (9) EXAMINATIONS.—

1561 (b) The State Board of Education shall, by rule, specify
1562 the examination scores that are required for the issuance of a
1563 professional certificate and temporary certificate. Such rules
1564 must define generic subject area and reading instruction

1565 competencies and must establish uniform evaluation guidelines.
 1566 The State Board of Education shall review the current subject
 1567 area examinations and, if necessary, revise the passing scores
 1568 and reading instruction pursuant to s. 1001.215 required for
 1569 achieving certification in order to match expectations for
 1570 teacher competency in each subject area.

1571 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—
 1572 ~~Beginning with the 2003-2004 school year,~~ The Department of
 1573 Education shall conduct a longitudinal study to compare
 1574 performance of certificateholders who are employed in Florida
 1575 school districts. The study shall compare ~~a sampling of~~
 1576 educators who have qualified for a professional certificate
 1577 ~~since July 1, 2002,~~ based on the following:

1578 (a) Graduation from a state-approved teacher preparation
 1579 program.

1580 (b) Completion of a state-approved professional
 1581 preparation and education competency program.

1582 (c) A valid standard teaching certificate issued by a
 1583 state other than Florida.

1584
 1585 The department comparisons shall be made to determine if there
 1586 is any significant difference in the performance of these groups
 1587 of teachers, as measured by their students' achievement levels
 1588 and learning gains as measured by s. 1008.22.

1589 Section 31. Paragraph (b) of subsection (2) and subsection
 1590 (5) of section 1012.585, Florida Statutes, are amended, and
 1591 subsection (6) is added to that section, to read:

1592 1012.585 Process for renewal of professional

1593 certificates.-

1594 (2)

1595 (b) A teacher with national certification from the
 1596 National Board for Professional Teaching Standards is deemed to
 1597 meet state renewal requirements ~~for the life of the teacher's~~
 1598 ~~national certificate~~ in the subject shown on the national
 1599 certificate. A complete renewal application and fee shall be
 1600 submitted. The Commissioner of Education shall notify teachers
 1601 of the renewal application and fee requirements. This paragraph
 1602 expires July 1, 2014.

1603 (5) The State Board of Education shall adopt rules to
 1604 allow the reinstatement of expired professional certificates.
 1605 The department may reinstate an expired professional certificate
 1606 if the certificateholder:

1607 (a) Submits an application for reinstatement of the
 1608 expired certificate.

1609 (b) Documents completion of 6 college credits during the 5
 1610 years immediately preceding reinstatement of the expired
 1611 certificate, completion of 120 inservice points, or a
 1612 combination thereof, in an area specified in paragraph (3)(a).

1613 (c) Meets the requirements in subsection (6).

1614 (d)~~(e)~~ During the 5 years immediately preceding
 1615 reinstatement of the certificate, achieves a passing score on
 1616 the subject area test for each subject to be shown on the
 1617 reinstated certificate.

1618
 1619 The requirements of this subsection may not be satisfied by
 1620 subject area tests or college credits completed for issuance of

1621 the certificate that has expired.

1622 (6) Beginning with the 2014-2015 school year, the
 1623 requirements for the renewal of a professional certificate shall
 1624 include documentation of effective or highly effective
 1625 performance as demonstrated under s. 1012.34 for at least 4 of
 1626 the preceding 5 years before the renewal certification is
 1627 sought. The State Board of Education shall adopt rules to define
 1628 the process for documenting effective performance under this
 1629 subsection, including equivalent options for individuals who
 1630 have not been evaluated under s. 1012.34. An individual's
 1631 certificate shall expire if the individual is not able to
 1632 demonstrate effective performance as required under this
 1633 subsection and the rules of the state board. The individual may
 1634 apply to reinstate his or her professional certificate under
 1635 subsection (5).

1636 Section 32. Subsection (2) of section 1012.72, Florida
 1637 Statutes, is amended to read:

1638 1012.72 Dale Hickam Excellent Teaching Program.—

1639 (2) The Dale Hickam Excellent Teaching Program is created
 1640 to provide categorical funding for bonuses for teaching
 1641 excellence. The bonuses may be provided for initial
 1642 certification for up to one 10-year period for individuals
 1643 holding NBPTS certification on July 1, 2010, and who remain
 1644 continuously employed in a public school in this state or the
 1645 Florida School for the Deaf and the Blind. The Department of
 1646 Education shall distribute to each school district an amount as
 1647 prescribed annually by the Legislature for the Dale Hickam
 1648 Excellent Teaching Program. For purposes of this section, the

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1649 Florida School for the Deaf and the Blind shall be considered a
1650 school district. Unless otherwise provided in the General
1651 Appropriations Act, each distribution shall be the sum of the
1652 amounts earned for the following:

1653 (a) An annual bonus equal to 10 percent of the prior
1654 fiscal year's statewide average salary for classroom teachers to
1655 be distributed to the school district to be paid to each
1656 individual who holds NBPTS certification and is employed by the
1657 district school board or by a public school within the school
1658 district. The district school board shall distribute the annual
1659 bonus to each individual who meets the requirements of this
1660 paragraph and who is certified annually by the district to have
1661 demonstrated satisfactory teaching performance pursuant to s.
1662 1012.34. The annual bonus may be paid as a single payment or
1663 divided into not more than three payments.

1664 (b) An annual bonus equal to 10 percent of the prior
1665 fiscal year's statewide average salary for classroom teachers to
1666 be distributed to the school district to be paid to each
1667 individual who meets the requirements of paragraph (a) and
1668 agrees, in writing, to provide the equivalent of 12 workdays of
1669 mentoring and related services to public school teachers within
1670 the state who do not hold NBPTS certification. Related services
1671 must include instruction in helping teachers work more
1672 effectively with the families of their students. The district
1673 school board shall distribute the annual bonus in a single
1674 payment following the completion of all required mentoring and
1675 related services for the year. It is not the intent of the
1676 Legislature to remove excellent teachers from their assigned

1677 classrooms; therefore, credit may not be granted by a school
 1678 district or public school for mentoring or related services
 1679 provided during student contact time during the 196 days of
 1680 required service for the school year.

1681 (c) The employer's share of social security and Medicare
 1682 taxes for those teachers who receive bonus amounts under
 1683 paragraph (a) or paragraph (b).

1684 Section 33. Subsection (1) of section 1012.79, Florida
 1685 Statutes, is amended to read:

1686 1012.79 Education Practices Commission; organization.—

1687 (1) The Education Practices Commission consists of 25
 1688 members, including 11 & teachers; 5 administrators, at least one
 1689 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,
 1690 3 ~~5~~ of whom shall be parents of public school students and who
 1691 are unrelated to public school employees and 2 of whom shall be
 1692 former district school board members; and 4 ~~5~~ sworn law
 1693 enforcement officials, appointed by the State Board of Education
 1694 from nominations by the Commissioner of Education and subject to
 1695 Senate confirmation. Prior to making nominations, the
 1696 commissioner shall consult with teaching associations, parent
 1697 organizations, law enforcement agencies, and other involved
 1698 associations in the state. In making nominations, the
 1699 commissioner shall attempt to achieve equal geographical
 1700 representation, as closely as possible.

1701 (a) A teacher member, in order to be qualified for
 1702 appointment:

- 1703 1. Must be certified to teach in the state.
- 1704 2. Must be a resident of the state.

1705 3. Must have practiced the profession ~~in this state~~ for at
 1706 least 10 years, with at least 5 years of experience in this
 1707 state immediately preceding the appointment.

1708 (b) A school administrator member, in order to be
 1709 qualified for appointment:

1710 1. Must have an endorsement on the educator certificate in
 1711 the area of school administration or supervision.

1712 2. Must be a resident of the state.

1713 3. Must have practiced the profession as an administrator
 1714 for at least 5 years immediately preceding the appointment.

1715 (c) The lay members must be residents of the state.

1716 (d) The law enforcement official members must have served
 1717 in the profession for at least 5 years immediately preceding
 1718 appointment and have background expertise in child safety.

1719 Section 34. Paragraph (h) of subsection (1) of section
 1720 1012.795, Florida Statutes, is amended to read:

1721 1012.795 Education Practices Commission; authority to
 1722 discipline.—

1723 (1) The Education Practices Commission may suspend the
 1724 educator certificate of any person as defined in s. 1012.01(2)
 1725 or (3) for up to 5 years, thereby denying that person the right
 1726 to teach or otherwise be employed by a district school board or
 1727 public school in any capacity requiring direct contact with
 1728 students for that period of time, after which the holder may
 1729 return to teaching as provided in subsection (4); may revoke the
 1730 educator certificate of any person, thereby denying that person
 1731 the right to teach or otherwise be employed by a district school
 1732 board or public school in any capacity requiring direct contact

1733 with students for up to 10 years, with reinstatement subject to
 1734 the provisions of subsection (4); may revoke permanently the
 1735 educator certificate of any person thereby denying that person
 1736 the right to teach or otherwise be employed by a district school
 1737 board or public school in any capacity requiring direct contact
 1738 with students; may suspend the educator certificate, upon an
 1739 order of the court or notice by the Department of Revenue
 1740 relating to the payment of child support; or may impose any
 1741 other penalty provided by law, if the person:

1742 (h) Has breached a contract, as provided in s. 1012.33(2)
 1743 or s. 1012.335.

1744 Section 35. Review of teacher preparation program
 1745 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

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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
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.

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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
1798 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
1799 establish the procedures for applying for an exemption under
1800 this section.

1801 Section 37. If any provision of this act or its
1802 application to any person or circumstance is held invalid, the
1803 invalidity does not affect other provisions or applications of
1804 the act which can be given effect without the invalid provision
1805 or application, and to this end the provisions of this act are
1806 severable.

1807 Section 38. The amendments to s. 1012.33, Florida
1808 Statutes, shall apply to contracts newly entered into, extended,
1809 or readopted on or after July 1, 2010, and to all contracts on
1810 or after July 1, 2013.

1811 Section 39. Except as otherwise expressly provided in this
1812 act, this act shall take effect July 1, 2010.