

HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	CS/CS/HB 863	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Education Committee; Higher Education & Workforce Subcommittee and Spano	110 Y's	7 N's
COMPANION BILLS:	(CS/CS/SB 1664) (CS/CS/HB 53) (CS/HB 1033) (HB 7141)	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/CS/HB 863 passed the House on May 1, 2013, as CS/CS/SB 1664. The bill also includes CS/CS/HB 53, CS/HB 1033, and HB 7141.

The bill aligns the criteria for initial and continued approval requirements for Initial Teacher Preparation (ITP) programs, Educator Preparation Institutes (EPI) and District Alternative Certification Programs (DACP) and revises the uniform core curricula for each state approved educator preparation program.

The bill requires each candidate to demonstrate an impact on student learning growth in his or her area of program concentration and to receive instruction and be assessed on the uniform core curricula during course work and field experiences.

The bill requires the State Board of Education (SBE) to adopt rules for continued approval of educator preparation programs that include the program review process, the continued approval timelines, and the performance level target for each of the continued approval criteria. The SBE may adopt rules to provide for the acceptance of college course credits, recommended by the American Council for Education (ACE), as posted on an official ACE transcript, for the purpose of demonstrating completion of specific certification requirements.

Individuals who earn a passing score on the Florida Educational Leadership Examination, have 3 years of successful experience in an executive management or leadership position, and receive a bachelor's degree or higher, are eligible for a temporary certificate in educational leadership.

The bill requires that a classroom teacher's performance evaluation be based upon the performance of only those students he or she actually teaches and reiterates that a school administrator's evaluation is based upon students attending the school he or she oversees. Student assessment data used in the performance evaluation must be from statewide assessments or school district assessments in the subject areas taught in order for an employee to be included in the performance salary schedule.

Each school district must establish schedules for administering district-mandated assessments and approve the schedules as an agenda item at a district school board meeting.

The bill renames the Florida Teachers Lead Program to The Florida Teachers Classroom Supply Assistance Program and allows districts flexibility in distributing funds to eligible teachers. The Department of Education and district school boards are encouraged to enter into public-private partnerships in order to increase the total amount of Florida Teacher Classroom Supply Assistance Program funds available to classroom teachers.

The bill has an indeterminate fiscal impact. (See FISCAL IMPACT)

The bill was approved by the Governor on June 14, 2013, ch. 2013-185, L.O.F., and will become effective on July 1, 2013.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0863z1.HEWS.DOCX

DATE: June 17, 2013

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Teacher Education Preparation Programs

Current law requires the State Board of Education (SBE) to attain a system for development and approval of teacher preparation programs that allows postsecondary educator preparation institutions to employ varied and innovative educator preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals; help the state's diverse student population, meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability.¹

Florida provides a number of educator preparation programs that individuals may utilize to receive the training needed to attain teaching credentials, including:²

Initial Teacher Preparation (ITP) programs

- A "traditional" teacher preparation program that requires candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence.

Educator Preparation Institutes (EPI)

- An alternative certification program offered by postsecondary institutions for baccalaureate degree holders. The EPI program provides professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate.

District Alternative Certification Programs (DACP)

- A cohesive competency-based professional preparation alternative certification program offered by Florida public school districts by which the school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements.

Teacher and Leader Preparation Implementation Committee

In August 2012, Florida was one of 11 states (plus the District of Columbia) awarded federal Race to the Top grant funds. Florida will receive \$700 million to implement various education reforms. As a result of Race to the Top, the Teacher and Leader Preparation Implementation Committee (TLPIC) was established to provide input, feedback and recommendations to the state in the development and implementation of performance standards, and targets for continued approval of state-approved teacher and school leadership preparation programs. The membership of the TLPIC includes teacher and school leader educators from postsecondary institutions and school districts, teachers, principals, and other stakeholders. The TLPIC works with the Department of Education (DOE) and the Student Growth Implementation Workgroup to provide input, review, feedback, and recommendations for the following:³

- Uses of state growth models in evaluation of teacher and principal preparation programs.
- Performance measures for continued program approval and standards for "high-performing" preparation programs based on, but not limited to:

¹ Section 1004.04(1), F.S.

² Florida Department of Education, Educator Preparation, <http://www.fldoe.org/profdev/approval.asp> (last visited March 11, 2013).

³ Florida Department of Education, Teacher and Leader Preparation Implementation Committee, <http://www.fldoe.org/profdev/approval.asp> (last visited March 11, 2013).

- The impact of program completers on student achievement, specifically using the state's new student growth measure(s) and potentially other measures used in Local Education Agencies (LEA);
- Meeting LEA and state needs for new and retained effective teachers, especially in hard to staff subjects and schools; and
- The program's contribution to the induction and professional development of program completers.

On September 28, 2012, TLPIC presented their recommendations regarding performance standards and targets for continued approval of state-approved educator preparation programs to the Commissioner of Education.⁴

The TLPIC recommended the following six performance metrics for inclusion in the accountability model for state-approved educator preparation programs:

- placement rate data;
- retention rate data;
- value-added model (VAM) data;
- student performance by subgroup;
- teacher evaluation system results; and
- production of teachers in critical teacher shortage areas.

Uniform Core Curricula and Candidate Assessment

Present Situation

The SBE has adopted rules to establish uniform core curricula for each state-approved educator preparation program. The uniform core curricula include:

- Scientifically researched, knowledge-based reading; literacy and computational skills acquisition; classroom management; school safety; professional ethics; educational law; human development and learning, and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpretation of data, and use of data to improve student achievement;⁵
- The Educator Accomplished practices, effective classroom instruction, outcomes of the state systems of school improvement, and accountability;⁶
- Instructional practices appropriate for students with limited English proficiency; and⁷
- Working with underachieving students and use of technology at the appropriate grade level.⁸

The TLPIC recommended rewording "Knowledge and understanding of Next Generation Sunshine State Standards" to "Knowledge and understanding of the state's applicable PreK-12 standards and other applicable PreK-12 curricular mandates." This specific recommendation is designed to:⁹

- Ensure that teacher candidates are well prepared to keep abreast of PreK-12 curricular requirements, whether emanating from changing PreK-12 standards or from other mandates including interdisciplinary requirements; and

⁴ Florida Department of Education, Teacher and Leader Preparation Implementation Committee, <http://www.fldoe.org/profdev/approval.asp> (last visited March 11, 2013).

⁵ Section 1004.04(2)(b), F.S.

⁶ Rule 6A-5.065, F.A.C.

⁷ Section 1004.04(3)(c)1., F.S.

⁸ Section 1004.04(5)(b), F.S.

⁹ Florida Department of Education, Teacher and Leader Preparation Implementation Committee, <http://www.fldoe.org/committees/pdf/sorec.pdf> (last visited March 11, 2013).

- Ensure that this standard remain applicable through the conversion to common core standards or any future standards revisions.

The TLPIC recommended that, because all of the uniform core curriculum elements listed below are already covered in the current Florida Educator Accomplished Practices (FEAPs), they should be removed as other elements.¹⁰

- Technology appropriate for the grade;
- Reading, interpretation and use of data for student achievement;
- Teaching strategies to meet the needs of divers student populations;
- Classroom management;
- School Safety;
- Professional ethics; and
- Write and speak in a logical and understandable style with appropriate grammar.

Effect of Proposed Changes

The bill revises the uniform core curricula for each state-approved teacher preparation program and requires inclusion of the following:

- Florida Educator Accomplished Practices;
- State-adopted student content standards;
- Scientifically researched reading instruction;
- Content literary and mathematical practices;
- Strategies appropriate for instruction of English language learners;
- Strategies appropriate for instruction of students with disabilities; and
- School safety.

The bill also requires each candidate to receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences.

Before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in his or her area of program concentration during a prekindergarten through grade 12 field experience and pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area of program concentration.

Initial Approval

Present Situation

The DOE adopts standards for initial approval of state-approved educator preparation programs based on uniform core curricula and the development of educator preparation programs. In addition, programs must verify specified requirements for admission of candidates into their programs. Candidates applying for admission into the program must:¹¹

- Have a grade point average of 2.5 or higher in the general education component of undergraduate studies or have completed a bachelor's degree from an accredited college or university with a minimum 2.5 GPA.¹²

¹⁰ *Id.*

¹¹ Section 1004.04(4)(a), F.S.

¹² Section 1004.04(4)(b)1., F.S.

- Pass the General Knowledge Test of the Florida Teacher Certification Examination, the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test.¹³

Admission requirements for each program can be waived for up to 10% of the students admitted. The programs are required to implement strategies to ensure that these students receive assistance to meet competencies; however, they are not currently required to report this information to DOE.¹⁴

Effect of Proposed Changes

The bill requires that each educator preparation program's initial approval be based upon evidence of the institution's and the program's capacity to meet the requirements for continued approval and SBE rules.

As recommended by the TLPIC, the bill requires each candidate, before program completion, to demonstrate ability to positively impact student learning growth in his or her area of program concentration during a prekindergarten through 12th grade field experience. Candidates must also pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area of program concentration.

The bill requires students to demonstrate mastery by passing the general knowledge test of the Florida Teacher Certification Examination or, for graduate-level programs, by obtaining a baccalaureate degree as part of admission into the program.

Institutions are required to annually report to the DOE the status of each candidate admitted under an admissions waiver.

The bill provides consistency across all types of educator certification programs by aligning the initial state program approval requirements for Initial Teacher Preparation (ITP) programs, Educator Preparation Institutes (EPI), and District Alternative Certification Programs (DACP).

Continued Program Approval

Present Situation

The DOE, in collaboration with the departments and colleges of education must develop procedures for continued program approval that document the performance of graduates and the continuous improvement of program processes. These must include the following:

- 90% of graduates of the program who take the examination required by s. 1012.56, F.S., must pass;¹⁵
- Criteria such as instruction in classroom management and performance of candidates in this area, instruction in working with underachieving students, satisfactory ratings from schools on candidates, and employer satisfaction are considered in the program review process for continued approval; and¹⁶
- Approval ratings based primarily on input processes at the institution rather than on performance outcomes.

By January 1 of each year, DOE must report information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the SBE, the BOG, the

¹³ Section 1004.04(4)(b)2., F.S.

¹⁴ Section 1004.04(4), F.S.

¹⁵ Section 1004.04(5)(a), F.S.

¹⁶ Section 1004.04(5)(b), F.S.

Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary educator preparation programs, and interested members of the public. The report must analyze the data and make recommendations for improving educator preparation programs in Florida.¹⁷

Effect of Proposed Changes

The bill revises the criteria for continued approval of educator preparation programs to include:

- Documentation that each candidate met the admission requirements;
- Documentation that the program and each program completer has received instruction and been assessed on the uniform core curricula; and
- Evidence of performance in each of the following categories:
 - placement rates of program completers into instructional positions in public and private schools in Florida, if available;
 - rate of retention for employed program completers in instructional positions in Florida public schools;
 - performance of PreK-12 students assigned to in-field program completers on statewide assessments and federal reporting subgroups (diverse populations);
 - results of program completers' annual evaluations in accordance with the timeline as set forth in s. 1012.34, F.S.; and
 - production of program completers in statewide critical teacher shortage areas.

The bill provides consistency across all types of educator certification programs by aligning the continued program approval requirements for initial Teacher Preparation (ITP) programs, Educator Preparation Institutes (EPI), and District Alternative Certification Programs (DACP).

The bill requires the SBE to adopt rules for continued approval of teacher preparation programs which include the program review process, the continued approval timelines, and the performance level targets for each of the continued approval criteria.

The bill requires the Commissioner of Education to make the determination for continued approval of each program based on the data collected and rules of the SBE.

Each program must prepare and submit an institutional program evaluation plan that includes data related to the criteria established for continued approval of the teacher education program. The plan must provide information on how the institution addresses continuous program improvement.

Pre-service Field Experience

Present Situation

All instructors in postsecondary educator preparation programs who instruct or supervise in pre-service field experience courses or internships must have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate; or, at least three years of successful teaching experience in PreK through grade 12.¹⁸

¹⁷ *Id.*

¹⁸ Section 1004.04(6), F.S.

All school district and instructional personnel who supervise or direct educator preparation students during field experience courses or internships must have evidence of clinical educator training and must have successfully demonstrated effective classroom management strategies that consistently result in improved student performance.¹⁹

Field experience content must include guidance and demonstration of strategies on effective classroom management, incorporating technology into classroom instruction, reading literacy and computational skills acquisition, and ways to link instructional plans to the Sunshine State Standards.²⁰

The TLPIC recommended the following related to field experience requirements:²¹

- A culminating field experience of no less than 10 weeks should be an added requirement for Educator Preparation Institute (EPI) programs prior to program completion (with the opportunity for EPI candidates who are already teaching to complete the internship in their own classrooms with supervision).
- EPIs should have the same clinical faculty requirements that are currently in place for Initial Teacher Preparation (ITP) programs which indicate that program faculty meet state-mandated requirements for supervision of field/clinical experiences and must have at least one of the following:
 - clinical supervision training, or
 - valid professional teaching certificate with at least three years successful PreK through grade 12.
- School district personnel supervising the culminating field experience must have clinical supervision training and a valid professional teaching certificate with at least three years of successful PreK-12 teaching experience. School district personnel supervising all other field experiences must have clinical supervision training or a valid professional certificate with at least three years successful PreK through grade 12 teaching experience.

Effect of Proposed Changes

The bill requires individuals in postsecondary educator preparation programs, who instruct or supervise field experience courses or internships where a student demonstrates an impact on student learning growth to have:

- Specialized training in clinical supervision;
- At least three years of successful, relevant prekindergarten through grade 12 teaching, student service, or school administration experience; and
- An annual demonstration of experience in a relevant prekindergarten through grade 12 school setting as defined by State Board of Education rule.

The bill requires school district and instructional personnel who supervise or direct educator preparation students during field experience courses or internships in which candidates demonstrate an impact on student learning growth to have:

- Evidence of “clinical educator” training approved by SBE;
- A valid professional teaching certificate;
- At least 3 years teaching experience in prekindergarten through grade 12; and
- Earned either an effective or highly effective rating on the prior year’s performance evaluation or be a peer evaluator under the district’s evaluation system.

¹⁹ *Id.*

²⁰ Section 1004.04(6)(b), F.S.

²¹ Florida Department of Education, Teacher and Leader Preparation Implementation Committee, <http://www.fldoe.org/committees/pdf/sorec.pdf> (last visited March 11, 2013).

The bill requires that pre-service field experience must include candidate practice and demonstration of the uniform core curriculum specific to the area of a program concentration with a diverse population of students in a variety of settings.

The bill requires that sites for pre-service field experience activities be based on the qualifications of supervising faculty and the needs of the candidates.

Postsecondary Educator Preparation Institutes

Present Situation

Current law authorizes postsecondary institutions that are accredited or approved by DOE, to seek approval from DOE to create educator preparation institutes for the purpose of providing the following:²²

- Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- Instruction to assist potential and existing substitute teachers in performing their duties;
- Instruction to assist paraprofessionals in meeting education and training requirements; and
- Instruction for baccalaureate degree holders to become certified teachers.²³

Through EPI competency-based programs, Florida postsecondary institutions are provided an opportunity to deliver teacher training and teachers are provided with another quality option in teacher training in addition to state-approved degree programs and district-delivered competency-based programs.

Effect of Proposed Changes

The bill authorizes qualified private providers that have a proven history of delivering high-quality educator preparation to seek approval to offer a competency-based certification program. Approval must be based upon evidence provided from recipients of their services and data showing the successful performance of their completers based upon student achievement.

Accountability

Effect of the Proposed Changes

The bill requires educator preparation programs to provide additional training to completers employed in a public school during the 2-years immediately after completion who earn an evaluation of developing or unsatisfactory on the district evaluation system if requested by the employing school district or charter school.

The bill revises the reporting requirements of institutions that offer state–approved preparation programs to include:

- Candidates who are admitted, enrolled, and complete the program;
- Document requirements for continued approval; and
- Data necessary to complete applicable federal reporting requirements.

College Credit Used for Educator Certification Eligibility

Present Situation

Current law requires that individuals seeking educator certification must:²⁴

²² Section 1004.85(2), F.S.

²³ Section 1004.85, F.S.

²⁴ Section 1012.56(2), F.S.

- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a non-accredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher. Applicants may document the required education by submitting official transcripts from institutions of higher education or authorize the electronic transfer of such transcripts.
- Have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

Effect of Proposed Changes

The bill authorizes the SBE to adopt rules that allow for the acceptance of college courses credits recommended by the American Council on Education (ACE), as posted on an official ACE transcript, for the purpose of demonstrating completion of specific certification requirements.

Professional Development Certification Program

Present Situation

Current law requires the DOE to develop and each school district to provide a cohesive competency-based professional development certification program that includes the following components:²⁵

- A minimum period of initial preparation before assuming duties as the teacher of record;
- An option for collaboration between school districts and other supporting agencies for implementation;
- Experienced peer mentors;
- An assessment that provides for initial evaluation and post evaluation of teacher performance; and
- Professional education preparation content knowledge.

Effect of Proposed Changes

The bill removes the requirement that each school district provide a cohesive competency-based professional preparation alternative certification program. However, this does not prohibit the school district from providing such a program.

The bill requires that each individual selected by the school district as a peer mentor hold a valid professional certificate, have at least 3 years of prekindergarten through grade 12 teaching experience, and have earned either an effective or highly effective rating on the previous year's evaluation or be a peer evaluator under the district's evaluation system.

Examination

Present Situation

Current law allows an applicant who takes an examination developed by the state and does not achieve the score necessary for certification to review his or her completed examination and bring to the attention of the department errors that would result in a passing score.²⁶

Effect of Proposed Changes

²⁵ Section 1012.56, (8), F.S.

²⁶ Section 1012.56(9)(e), F.S.

DOE must provide procedures for an applicant who fails an examination developed by the department or a contracted vendor to review the examination questions and the responses for questions the applicant answered incorrectly. An applicant must bear the actual cost for the department to provide examination review. Notwithstanding any other provision of law, only an applicant who fails an examination with a score range established by rule of the SBE is entitled to an examination review or to challenge the validity of the examination.

Educational Leadership Certificate

Effect of Proposed Changes

The bill allows an individual who earns a passing score on the Florida Leadership Examination; provides evidence of 3 years of successful experience in an executive management or leadership position; and receives a bachelor's degree or higher from an accredited institution of higher learning to hold a temporary certification of educational leadership.

The bill also requires a person operating under a temporary certificate to be under the mentorship of a state-certified school administrator during the term of the temporary certificate.

School District Assessments

Present Situation

In addition to participation in the statewide assessment program,²⁷ Florida law requires each district school board to periodically assess student performance based upon the content established in the Next Generation Sunshine State Standards and local goals that are consistent with the state plan for education and that supplement the knowledge and skills necessary for successful grade-to-grade progression and high school graduation.²⁸

School district assessments must be used to evaluate classroom teachers of subjects and grade levels not tested by statewide assessments and to measure student learning gains and mastery of course content.²⁹ The law does not specifically require school districts to establish schedules for administering district assessments and reporting.³⁰

Effect of Proposed Changes

The bill requires each school district to establish schedules for administering district assessments. These schedules must be approved by the district school board as an agenda item at a board meeting. The schedules must be published on the school district website in a manner that clearly identifies each applicable district assessment and reported to DOE annually by October 1. This will provide parents and students more information regarding school district testing requirements.

Florida Teachers Lead Program

Present Situation

²⁷ The statewide assessment program for public schools includes the Florida Comprehensive Assessment Test 2.0 (FCAT) and statewide standardized end-of-course (EOC) assessments. FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10). EOC assessments for high school students include algebra I, biology I, geometry, and U.S. history. Beginning in the 2012-13 school year, middle school students will take an EOC assessment in civics as a field test. Beginning in the 2014-15 school year, students must pass the EOC assessment to be promoted from the middle grades. Section 1008.22(3)(c)2.b., F.S.

²⁸ Section 1008.22(5), F.S.

²⁹ Sections 1008.22(8)(a)-(b) and 1012.34(3)(a)1., F.S.

³⁰ See s. 1008.22(8), F.S.

The Florida Teachers Lead Program was established in 1997 to provide eligible classroom teachers with funds to assist teaching and learning in the classroom.³¹ The funds are allocated in the General Appropriations Act and may be used to purchase classroom materials and supplies to supplement those otherwise available to classroom teachers. The amount available to each teacher was \$250 for the 1998 school year. Funds may not be used to purchase equipment.³² Districts must distribute funds to their classroom teachers by September 30 each year, using any means determined appropriate by the district school board, including, but not limited to, direct deposit, check, debit card, or purchasing card.³³ In a recent survey conducted by the Florida Association of District School Superintendents, 2 of the 38 districts that responded indicated that they only used debit cards for their teachers who did not have bank accounts.³⁴

Teachers must sign a statement acknowledging receipt of the funds, keep receipts for no less than 4 years to demonstrate compliance with expenditure requirements, and return any unused funds to the district school board at the end of the school year. Funds returned to the district shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when the teacher received the funds or deposited into the Florida Teachers Lead Program account of the school district in which a charter school is sponsored, as applicable.³⁵

Effect of Proposed Changes

The bill renames the Florida Teachers Lead Program to The Florida Teachers Classroom Supply Assistance Program and continues to allow districts flexibility in distributing funds to teachers. If debit cards are used, the debit cards must have an identifier on the front indicating the card has been issued specifically for this program. It encourages the DOE and school districts to enter into public-private partnerships in an effort to generate more funds for the program and removes an obsolete provision in the statute referencing a pilot program to determine the feasibility of managing the program through a centralized electronic system. No districts volunteered to participate in the pilot program.³⁶

Educator Performance Evaluations

Present Situation

In August 2010, Florida was one of 11 states and the District of Columbia awarded federal Race to the Top grant funds.³⁷ DOE received \$700 million to implement various education reforms, including reforms to instructional personnel³⁸ and school administrator³⁹ performance evaluations.⁴⁰ Sixty-two of 67 school districts, 209 charter schools in 27 of the participating districts, and three university lab

³¹ Section 18, ch. 97-384, L.O.F.

³² Section 1012.71(2), F.S.

³³ Section 1012.71(3), F.S.

³⁴ Email, Florida Association of District School Superintendents (Feb. 26, 2013).

³⁵ Section 1012.17(4), F.S.

³⁶ Email, Florida Department of Education, Office of Funding and Financial Reporting (March 6, 2013).

³⁷ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009); Press Release, U.S. Department of Education, *Nine States and the District of Columbia Win Second Round Race to the Top Grants* (Aug. 24, 2010), <http://www.ed.gov/news/press-releases/nine-states-and-district-columbia-win-second-round-race-top-grants> (last visited Feb. 5, 2013).

³⁸ Instructional personnel include classroom teachers; student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

³⁹ Section 1012.34(1)(a), F.S. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

⁴⁰ U.S. Department of Education, *Race to the Top Funding Status*, <http://www2.ed.gov/programs/racetothetop/funding.html> (last visited Feb. 5, 2013); Florida Department of Education, *Florida's Race to the Top: hearing before the House Education Comm.* (Jan. 13, 2011).

schools are participating in Race to the Top.⁴¹ Fifty local teachers unions agreed to collaborate with their school districts in implementing these reforms.⁴² The Legislature enacted the Student Success Act in May 2011, which, among other things, codified Florida's Race to the Top performance evaluation reforms into state law.⁴³

Among other things, the Student Success Act required school district performance evaluation systems to differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.⁴⁴

At least 50 percent of each instructional personnel's and school administrator's performance evaluation must be based upon student performance. Student learning growth, with certain exceptions, is the primary measure of student performance used to evaluate these employees. Learning growth must be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, school district assessments.⁴⁵

School district assessments must be implemented no later than the 2014-15 school year. School districts may use nationally recognized standardized assessments, industry certification examinations, and district-developed assessments.⁴⁶ DOE has provided technical assistance and used Race to the Top funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.⁴⁷

Student Learning Growth Measures

Student learning growth formulas tied to statewide or school district assessments must be used to determine the amount of learning growth a student makes in the year he or she is assigned to the instructional personnel.⁴⁸ The Commissioner of Education was required to adopt a student learning growth formula for the Florida Comprehensive Assessment Test (FCAT), which he did for Reading and

⁴¹ Participating lab schools are the Florida Atlantic University, Florida A & M University, and University of Florida lab schools. The Baker, Dixie, Hamilton, Palm Beach, and Suwannee County school districts are not participating in the grant. Email, Florida Department of Education, Legislative Affairs Director (Nov. 16, 2012).

⁴² Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding: hearing before the House K-20 Competitiveness Subcomm.* (Feb. 23, 2011).

⁴³ Section 2, ch. 2011-1, L.O.F., *codified at* s. 1012.34, F.S. (2011); *see* Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), *available at* <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

⁴⁴ Section 1012.34(2)(e), F.S.

⁴⁵ Sections 1012.34(3)(a)1. and 1008.22(8), F.S.

⁴⁶ Sections 1008.22(8) and 1012.34(7)(b), F.S. The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance. Section 1008.22(8)(c), F.S.

⁴⁷ Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*, <http://www.fldoe.org/arra/procurements.asp> (last visited Feb. 5, 2013). DOE awarded Race to the Top grants to fund seven projects by four Florida school districts to develop assessments for hard-to-measure courses. These projects include assessments of Physical Education and Health Education, Grades K – 8: Miami-Dade County; Physical Education and Health Education, Grades 9 – 12: Hillsborough County; Performing Arts: Chorus and Drama: Polk County; Performing Arts: Band and Instrumental: Polk County; Visual Arts: Miami-Dade County; World Languages (other than Spanish): Duval County; and Career and Technical Education-Hillsborough County. Florida Department of Education, *Race to the Top Assessments Information Sheet*, at 1 (June 2011), *available at* <http://www.fldoe.org/arra/racetothetop/assessments/pdf/InfoSheet-RTTT.pdf>. Field testing of these assessments will begin in Spring 2013-14. Florida Department of Education, *Race to the Top Assessments Timeline* (Aug. 2011), *available at* <http://www.fldoe.org/arra/racetothetop/assessments/pdf/Timeline-RTTT.pdf>.

⁴⁸ Section 1012.34(7)(a)-(b), F.S.

Mathematics in June 2011.⁴⁹ The commissioner must select additional formulas as appropriate for the remainder of the statewide assessments, i.e., FCAT Science, FCAT Writing, and statewide, standardized end-of-course assessments in algebra I, geometry, and biology I; however, formulas for these assessments have not been adopted.⁵⁰

Measurement of student learning growth must be based upon at least three school years of student data. If less than three years of data is available for an employee, the school district must include available data and may reduce the weight attributed to student learning growth from 50 percent to not less than 40 percent for classroom teachers and school administrators and not less than 20 percent for nonclassroom instructional personnel.⁵¹

Classroom Teachers

Measurement of student learning growth for classroom teacher evaluations varies according to the subjects and grades taught by the teacher, as follows:⁵²

- For classroom teachers of courses tested by a statewide assessment, student learning growth on such assessments must be used.⁵³
- For classroom teachers of courses measured by a school district assessment, student learning growth on such assessments must be used; however, school districts may request DOE-approval to use:
 - A student achievement measure or a combination of student learning growth and achievement; or⁵⁴
 - A combination of student learning growth on a school district assessment and on FCAT Reading or FCAT Mathematics, as long as learning growth on the district assessment is given greater weight.⁵⁵

Until July 1, 2015, if a school district, for courses not tested on statewide assessments, has not implemented an assessment or a student learning growth formula for that assessment, the district may use two alternative growth measures -- student learning growth on statewide assessments or measurable learning targets. Learning targets must be identified by the school principal based upon the goals of the school improvement plan. Additionally, a district school superintendent may assign student learning growth on statewide assessments to an instructional team, i.e., classroom teachers who serve a common group of students.⁵⁶

Some school districts have used school-wide or instructional team student performance data on FCAT Reading and Mathematics to evaluate classroom teachers of courses for which a district assessment has not been implemented or courses tested by a statewide assessment for which no student learning growth formula has been adopted. This has resulted in teachers being evaluated based upon students or subjects they never taught.⁵⁷

⁴⁹ *Id.*, Letter from Commissioner Smith to Student Learning Growth Implementation Committee (June 1, 2011), available at <http://www.fldoe.org/committees/pdf/CommissionerSmithCommittee.pdf>.

⁵⁰ Section 1012.34(7)(a), F.S.

⁵¹ Section 1012.34(3)(a)1.a.-c., F.S.

⁵² School districts must implement assessments for subjects not tested by statewide assessments by the 2014-15 school year. *See s.* 1008.22(8), F.S.

⁵³ Section 1012.34(7)(a)-(b), F.S.

⁵⁴ Section 1012.34(7)(c), F.S.

⁵⁵ Section 1012.34(7)(d), F.S.

⁵⁶ Section 1012.34(7)(e), F.S.

⁵⁷ *See, e.g.*, Leon County Public Schools, *Leon Educator Assessment and Development System*, at 193-195 (Oct. 2011), available at http://www.leonschools.net/docs/LCS_LEADS_BOOKLET_01_17_12.pdf; *see, e.g.*, Pinellas County Schools, *Pinellas County Teacher Evaluation System*, at 13-16 (Dec. 2011), available at https://www.pcsb.org/images/stories/PCS_Teacher_Evaluation_System.pdf.

Nonclassroom Instructional Personnel

Nonclassroom instructional personnel include student services personnel, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel.⁵⁸ Student learning growth for students assigned to nonclassroom instructional personnel is measured by statewide assessments; however, a combination of growth data and measurable student outcomes unique to the personnel assignment may be used, provided that growth data accounts for at least 30 percent of the evaluation.⁵⁹

Performance Salary Schedule

The Student Success Act requires each school district to adopt a performance salary schedule for instructional personnel and school administrators by July 1, 2014. Instructional personnel and school administrators hired on or after July 1, 2014, and instructional personnel on annual contracts as of July 1, 2014, must be placed on the performance salary schedule.⁶⁰ Under the performance salary schedule, annual salary adjustments may only be given to employees rated highly effective or effective on annual performance evaluations.⁶¹

Effect of Proposed Changes

The bill notwithstanding any provision to the contrary in ss. 1012.22 and 1012.34, F.S., regarding the performance salary schedule and personnel evaluation procedures and criteria.

The bill requires that a classroom teacher's performance evaluation be based only upon the performance of students he or she actually teaches and reiterates that a school administrator's evaluation is based upon students attending the school he or she oversees. This change, in effect, eliminates the use of instructional team or school-wide student performance data in evaluating classroom teachers. Accordingly, classroom teachers should be evaluated based upon only those students they teach.

All classroom teachers and school administrators must be evaluated using either a learning growth or student achievement measure. Student achievement measures may be used only for courses associated with statewide assessments if a statewide growth formula has not been approved for that assessment. For courses associated with a school district assessment, student achievement may be used if it is demonstrated to be a more appropriate measure of performance than student learning growth. Unlike existing law, this change allows school districts to use student achievement measures to evaluate classroom teachers of courses tested by a statewide assessment for which no student learning growth formula has been adopted, e.g., algebra I, geometry, and biology I.

The bill reiterates existing law authorizing the percentage of an instructional personnel's or school administrator's performance evaluation that is based upon student performance to be reduced from 50 percent to 40 percent if less than three years of student data are available.

In evaluating nonclassroom instructional personnel, the bill requires school districts to use student outcome data that reflects the employee's actual contribution to the performance of students in his or her area of responsibility. This enables school districts to cease using student learning growth data on

⁵⁸ Section 1012.01(2), F.S.

⁵⁹ Section 1012.34(3)(a)1.b., F.S.

⁶⁰ Section 1012.22(1)(c)4. and 5., F.S.

⁶¹ Section 1012.22(1)(c)5.b., F.S.

statewide assessments to evaluate these employees, if such data does not reflect his or her contribution to student performance. Thus, districts may devise student performance measures that more accurately reflect the roles and responsibilities of these employees.

The bill reiterates that the student assessment data in the performance evaluation must be from statewide assessments or school district assessments, as applicable, in the subject areas taught, in order for an employee to be included in the performance salary schedule.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides authority for a private provider to create an educator preparation institute if approved by the DOE.

The bill requires procedures for an applicant who fails an examination developed by the DOE or a contracted vendor to review the examination questions and the responses for questions they have answered incorrectly; however, the applicant must bear the actual cost for the department to provide the examination review.

The bill makes changes to qualifications required of instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships.

D. FISCAL COMMENTS:

There would likely be costs to the colleges and universities to implement the new requirements associated with tracking program completion performance as required by the bill for continued program approval. The DOE would likely have costs associated with the review and analysis of the additional documentation. These costs are indeterminate.

The bill makes changes relating to qualification requirements instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships must possess. It is not known how many current instructors might not qualify if this provision is implemented. Postsecondary institutions may incur additional costs if they have to replace current instructors, or if they lose approval to offer educator preparation programs.

