

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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**BILL:** PCS/CS/SB 1598 (614458)

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Pre - K- 12 Education); Education Committee; and Senators Brandes and Perry

**SUBJECT:** Education

**DATE:** April 28, 2017

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u>Sikes</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1598 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program with some modifications.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.
- Authorizes the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.

The bill does not impact state revenues or expenditures.

The bill takes effect July 1, 2017.

## II. Present Situation:

### School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>1</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>2</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>3</sup>

The annual reports must identify schools as having one of the following grades:<sup>4</sup>

- “A,” for schools making excellent progress – 62% or higher of total points
- “B,” for schools making above average progress – 54% to 61% of total points
- “C,” for schools making satisfactory progress – 41% to 53% of total points
- “D,” for schools making less than satisfactory progress – 32% to 40% of total points
- “F,” for schools failing to make adequate progress – 31% or less of total points

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.<sup>5</sup> Combination school models include the additional components for the grades served (*e.g.*, a school serving grades K through 12 would include the additional components for the middle and high school models).

### Principal Autonomy Pilot Program Initiative

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Florida Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management.<sup>6</sup> A participating school must have received at least two school grades of “D” or “F” during the previous three school years, and a participating principal must have earned a highly effective rating on the prior year's performance evaluation.<sup>7</sup> The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.<sup>8</sup> In addition, a principal at a participating school may select qualified instructional personnel for placement at the school and refuse placement or transfer of instructional personnel by the district school superintendent, in any case.<sup>9</sup> The principal also has greater budgeting authority to allocate resources to help improve student achievement.<sup>10</sup>

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<sup>1</sup> Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

<sup>2</sup> *See* s. 1008.33(4), F.S.

<sup>3</sup> *See* s. 1008.26, F.S.

<sup>4</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981(4)(d), F.A.C.

<sup>5</sup> *See* s. 1008.34(3)(b), F.S.; Rule 6A-1.09981(4)(a)-(c), F.A.C.

<sup>6</sup> Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

<sup>7</sup> Section 1011.6202(2)(a)1. and 2., F.S.

<sup>8</sup> *See* s. 1011.6202(3), F.S.

<sup>9</sup> Section 1012.28(8)(a), F.S.

<sup>10</sup> Section 1012.28(8)(b), F.S.

## **Educator Certification**

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.<sup>11</sup>

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.<sup>12</sup>

### ***Types of Educator Certificates***

The DOE identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses funded through the Florida Education Finance Program.<sup>13</sup>

The DOE issues three types of educator certificates:<sup>14</sup>

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.<sup>15</sup>
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.<sup>16</sup>
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.<sup>17</sup>

### ***Eligibility Criteria for Educator Certification***

To be eligible to seek a Florida educator's certificate, an individual must:<sup>18</sup>

- Be at least 18 years of age.
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete.
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.
- Submit to a background screening in accordance with Florida law.
- Be of good moral character.
- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

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<sup>11</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>12</sup> Section 1012.54, F.S.

<sup>13</sup> Section 1012.55(1)(c), F.S.

<sup>14</sup> Section 1012.55, F.S.

<sup>15</sup> Section 1012.56(1)-(3) and (5), (6)-(7), F.S.

<sup>16</sup> Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

<sup>17</sup> Section 1012.55(2)(a), F.S.

<sup>18</sup> Section 1012.56(2)(a)-(i), F.S.

- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

### ***Professional Development Certification and Education Competency Program***

Florida law authorizes a school district to provide a cohesive competency-based professional development certification and education competency program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in statute and rules of the State Board of Education (SBE).<sup>19</sup> Participants in this program must hold a state-issued temporary certificate.<sup>20</sup> A school district that implements the program must provide a competency-based certification developed by the DOE or developed by the district and approved by the DOE.<sup>21</sup>

### **Renewal of Professional Certificates**

All professional certificates, except a nonrenewable professional certificate, must be renewed every five years.<sup>22</sup> In order to qualify for renewal, the applicant must earn at least 6 college credits or 120 inservice (professional development) points during the 5-year cycle.<sup>23</sup> At least 3 college credits or 60 inservice points must be earned in each subject area for which renewal is sought.<sup>24</sup> Credits or inservice points may also be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.<sup>25</sup> Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.<sup>26</sup>

### **School Community Professional Development Act**

Florida law requires the DOE, public postsecondary education institutions public school districts, state education foundations, consortia, and professional organizations to work collaboratively to establish a coordinated system of professional development.<sup>27</sup> The purpose of this system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.<sup>28</sup>

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<sup>19</sup> Section 1012.56(8)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 1012.56(8)(a), F.S.

<sup>22</sup> Section 1012.585(2)(a), F.S.

<sup>23</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

<sup>24</sup> Section 1012.585(3)(a), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

<sup>27</sup> Section 1012.98(1), F.S.

<sup>28</sup> Section 1012.98(1), F.S.

### **Education for State Prisoners**

Florida law establishes under the Department of Corrections (DOC) a Correctional Education Program, which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC and must be supervised by the DOC.<sup>29</sup> Florida law prohibits the expenditure of state funds provided for postsecondary workforce programs on the education of state and federal inmates.<sup>30</sup>

### **III. Effect of Proposed Changes:**

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools to enhance student learning. Additionally, the bill:

- Renames the current professional development certification and education competency program as the comprehensive teacher mentorship certification program.
- Modifies the School Professional Development Act to include specified training relating to the comprehensive teacher mentorship certification program.

#### **Schools of Excellence (Sections 2, 4, and 6)**

Section 2 establishes the Schools of Excellence Program to provide administrative flexibility to the state's top schools and requires the State Board of Education to designate a school as a School of Excellence if the school's percentage of possible points earned in its school grades calculation is in the 80<sup>th</sup> percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each applicable school grade component.

A school retains its designation as a School of Excellence for up to 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80<sup>th</sup> percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. A School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

Section 2 provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction in a specified subject area.
- Principal autonomy under the Principal Autonomy Pilot Project Initiative (PAPPI).
- For instructional personnel, the substitution of 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of a professional certificate, up to 60 inservice points in a 5-year cycle.
- Exemption from district-set starting and stopping times for the school day.

Section 4 grants to a principal newly assigned to a school with a school grade of "D" or "F" additional authority and responsibilities similar to those granted to principals at Schools of

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<sup>29</sup> Section 944.801(1), F.S.

<sup>30</sup> Section 1011.80(7) F.S.

Excellence and at schools participating in the PAPPI. This section authorizes a school district to revoke the principal's additional authority after the school year following the first school year the school achieves a school grade of "C" or higher. As such, the bill may provide principals with greater autonomy to determine the best approach to improve student performance at that school.

### **Comprehensive Teacher Mentorship Certification Program (Section 5 and 7)**

Section 5 changes the name of the professional development certification and education competency program to the comprehensive teacher mentorship certification program.

Section 5 requires the Florida Department of Education (DOE) to issue a professional certificate to a temporary certificate holder who meets the requirements for a professional certificate enumerated above, is rated highly effective under the district's teacher evaluation system, and

- Completes a comprehensive teacher mentorship certification, or
- Enrolls in a state-approved teacher preparation program or a comprehensive teacher mentorship certification program within 90 days after the issuance of a temporary certificate as an acceptable means of demonstrating mastery of professional preparation and education competence to satisfy educator certification requirements.

As such, section 5 provides that an individual with a temporary certificate is not required to take or achieve a passing score on the professional education competency examination to be awarded a professional certificate.

Section 5 requires a comprehensive teacher mentorship certification program to include a mentorship and induction component, which must include, at minimum, weekly opportunities for mentoring and induction activities. Mentoring and induction activities include, common planning time, ongoing professional development targeted to a teacher's needs, co-teaching experiences, and reflection and follow-up discussions. A teacher selected to serve as a peer mentor is required under the bill to complete specialized training in clinical supervision and participate in ongoing mentor training. Section 7 requires this training be provided under the School Community Professional Development Act.

The DOE is directed to adopt standards for the approval of district developed comprehensive teacher mentorship certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Accordingly, this program may ease the pathway to teacher certification for temporary certificate holders and may help school districts recruit and retain teachers.

### **Education for State Prisoners (Sections 1 and 3)**

Section 1 amends s. 944.801, F.S. to authorize the Department of Corrections (DOC) to enter into a contract with a charter school, authorized to operate as part of the state's program of public

education, to provide education services for the Correctional Education Program. Accordingly, such contracts may provide the DOC with another method to offer education services to state prisoners. The bill does not address funding for the delivery of education services by the charter schools.

Section 3 amends s. 1011.80, F.S., to remove the prohibition on expending state funds for postsecondary workforce programs for the education of state and federal inmates.

The bill takes effect July 1, 2017.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the Florida Department of Education (DOE), this bill may save professional certificate applicants by not requiring them to enroll in additional college coursework or take the professional education competency examination to be awarded a professional certificate.<sup>31</sup>

C. Government Sector Impact:

According to the DOE, implementation of the bill may require additional staff time to review, approve, and monitor compliance with the statutory requirements for the Professional Development Certification and Education Competency programs, as well as revision of school district professional development systems.<sup>32</sup> These additional requirements should be absorbed within existing agency resources.

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<sup>31</sup> Telephone Interview with Government Relations Staff, Florida Department of Education (March 30, 2017).

<sup>32</sup> *Id.*

The bill removes the prohibition on expending state postsecondary workforce funds for the education of state and federal inmates. Accordingly, career and technical centers could choose to expend state funds on educating state and federal inmates. The cost of educating these inmates is indeterminate as it would remain a career and technical center's choice whether to engage in this practice.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 944.801, 1012.28, 1012.56, 1012.585, and 1012.98.

This bill creates the following sections of the Florida Statutes: 1003.631 and 1013.29.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Higher Education on April 18, 2017:**

The committee substitute:

- Authorizes enrollment in a state-approved teacher preparation program or a comprehensive teacher mentorship certification program within 90 days after the issuance of a temporary certificate as an acceptable means of demonstrating mastery of professional preparation and education competence to satisfy educator certification requirements.
- Specifies that an applicant whose temporary certificate has been revoked due to his or her failure to enroll in a teacher preparation program or a comprehensive teacher mentorship certification program must be enrolled in such program before the department may issue an applicant a new temporary certificate. Additionally, an applicant who was enrolled in a teacher preparation program or a comprehensive teacher mentorship certification program, but is no longer enrolled in the program, has up to 30 days to reenroll or his or her temporary certificate must be revoked.
- Removes the prohibition on expending state funds for postsecondary workforce programs for the education of state and federal inmates.
- Removes authorization for a county to allow high school educational facilities (including charter school educational facilities) to be located on a public or private postsecondary institution campus.



**CS by Education on April 3, 2017:**

The committee substitute adds provisions to the bill to:

- Authorize the Department of Corrections to enter into a contract with a charter school authorized to operate pursuant to law to provide education services for the Correctional Education Program.
- Specify that a county in which a public or private postsecondary institution is located may authorize a public high school educational facility, including a charter school educational facility, which meets statutory requirements to be located on the postsecondary institution's campus.

**B. Amendments:**

None.