

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1291 Educator Preparation Programs  
**SPONSOR(S):** Education & Employment Committee, Snyder and others  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1372

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Postsecondary Education & Workforce Subcommittee	12 Y, 6 N	Wolff	Kiner
2) Education & Employment Committee	12 Y, 5 N, As CS	Wolff	Hassell

**SUMMARY ANALYSIS**

Teacher Preparation Programs, Educator Preparation Institutes (EPI), and Professional Learning Certification Programs are three Department of Education approved pathways for individuals to receive the education necessary to become certified teachers in Florida. School leader preparation programs enable aspiring school leaders to obtain their certificate in educational leadership.

The bill prohibits teacher preparation programs, EPIs, and Level I and Level II school leader preparation programs from distorting significant historical events or including a curriculum or instruction that teaches identity politics, violates the Florida Educational Equity Act, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

The bill requires all teacher preparation programs, EPIs, and Professional Learning Certification Programs to afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence. The bill requires Level I and Level II school leader preparation programs to afford candidates the opportunity to demonstrate mastery of program content, including instructional leadership strategies, coaching development, school safety, and continuous improvement efforts.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Florida Educational Equity Act

The “Florida Educational Equity Act” (FEEA) prohibits discrimination in any program or employment condition on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education.

The FEEA specifies, in part, that:

- No individual may, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.<sup>1</sup>
- The criteria for admission to a program or course may not have the effect of restricting access by persons of a particular race, color, national origin, sex, disability, religion, or marital status.<sup>2</sup>

The FEEA includes in its prohibition of discrimination on the basis of race, color, national origin, or sex, subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:<sup>3</sup>

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

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<sup>1</sup> Section 1000.05(2)(a), F.S.

<sup>2</sup> Section 1000.05(2)(b), F.S.

<sup>3</sup> Section 1000.05(4)(a), F.S. A federal district court has issued a preliminary injunction to prohibit the Board of Governors from enforcing ss. 1000.05(4)(a)-(b), F.S., and to prohibit the University of South Florida Board of Trustees from enforcing ss. 1000.05(4)(a)1.-3., 5., and 7., and s. 1000.05(4)(b), F.S. *See Pernell v. Florida Bd. of Governors of State Univ. Sys.*, No. 4:22CV304-MW-MAF (N.D. Fla. Nov. 17, 2022) (order granting preliminary injunction), *motion to stay injunction pending appeal denied*, No. 22-13992-J (11th Cir. Mar. 16, 2023).

## Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.<sup>4</sup> State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.<sup>5</sup>

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:<sup>6</sup>

- Initial Teacher Preparation programs in public and private colleges and universities requiring 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. Program completers qualify for a professional educator certificate.<sup>7</sup>
- Educator Preparation Institutes (EPIs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence.
- District professional learning certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.<sup>8</sup> In addition to completing the district program, candidates must demonstrate mastery of general knowledge<sup>9</sup> and subject area knowledge.<sup>10</sup>

### *Teacher Preparation Program Uniform Core Curricula*

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences. A candidate for certification in a coverage area that includes reading instruction or interventions in kindergarten through grade six must successfully complete all competencies for a reading endorsement.<sup>11</sup>

The SBE must establish, in rule, uniform core curricula for each state-approved teacher preparation program including, but not limited to:<sup>12</sup>

- Candidate instruction and assessment in the Florida Educator Accomplished Practices (FEAP)<sup>13</sup> across content areas;

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<sup>4</sup> Section 1004.04(1)(b), F.S.

<sup>5</sup> See Florida Department of Education, *Florida's Coordinated System of Professional Learning*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Feb. 2, 2024). See also r. 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

<sup>6</sup> Florida DOE, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Feb. 2, 2024). See also r. 6A-5.066, F.A.C.

<sup>7</sup> Rule 6A-5.066(1)(r), F.A.C.

<sup>8</sup> Section 1012.56(8)(a), F.S. There are 77 such programs in Florida. Florida Department of Education. *State-Approved Educator Preparation Programs, Approved Add-on Programs*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited Feb. 2, 2024).

<sup>9</sup> See Florida DOE, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Feb. 2, 2024).

<sup>10</sup> Florida DOE, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Feb. 2, 2024).

<sup>11</sup> Section 1004.04(2)(c), F.S.

<sup>12</sup> Section 1004.04(2)(b)1.-10., F.S.

<sup>13</sup> Florida DOE, *Professional Development The Florida Educator Accomplished Practices (FEAP)*, <https://www.fldoe.org/teaching/professional-dev/the-fl-educator-accomplished-practices.stml> (last visited Feb. 2, 2024).

- The use of state-adopted content standards to guide curricula and instruction;<sup>14</sup>
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students;<sup>15</sup>
- Content literacy and mathematical practices;
- Strategies appropriate for instruction of English language learners;
- Strategies appropriate for instruction of students with disabilities;
- Strategies to differentiate instruction based on student needs;
- Strategies and practices to support evidence-based content aligned to state standards and grading practices;
- Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support;
- Strategies to support the use of technology in education and distance learning; and
- Strategies and practices to support effective, research-based assessment and grading practices aligned to the state's academic standards.

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area(s) of program concentration.<sup>16</sup>

There are 57 initial teacher preparation programs in Florida, at 10 state universities, 19 Florida College System institutions, and 28 private colleges and universities.<sup>17</sup>

#### *Educator Preparation Institutes (EPIs)*

Postsecondary institutions that are accredited or approved by the Department of Education (DOE) to award degrees and credits for educator certification may seek approval from the DOE to create EPIs for the purpose of providing all or any of the following:<sup>18</sup>

- 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;
- Instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals; and
- Instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.<sup>19</sup>

Educator preparation institutes may offer competency-based certification programs specifically designed for non-education major baccalaureate degree holders to enable program participants to meet educator certification. The DOE must approve a certification program if the institute provides evidence

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<sup>14</sup> The SBE has adopted the state academic standards, which establish the core content of the curricula taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Rule 6A-1.09401(1), F.A.C.; s. 1003.41(1), F.S.

<sup>15</sup> The Just Read, Florida! Office must assist teacher preparation programs and EPIs with this requirement. Section 1001.215(11), F.S.

<sup>16</sup> Section 1004.04(2)(d), F.S.

<sup>17</sup> Florida Department of Education. *State-Approved Educator Preparation Programs, Colleges/Universities*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited Feb. 2, 2024).

<sup>18</sup> Section 1004.85(2)(a), F.S.

<sup>19</sup> Section 1004.85(2)(b), F.S.

of the institute's capacity to implement a competency-based program that includes each of the following:<sup>20</sup>

- Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.
- The use of state-adopted student content standards to guide curriculum and instruction.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematical practices.
- Strategies appropriate for instruction of English language learners.
- Strategies appropriate for instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- Strategies and practices to support evidence-based content aligned to state standards and grading practices.
- Strategies appropriate for the early identification of a student in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.
- Strategies to support the use of technology in education and distance learning.
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in specified areas.
- Field experiences appropriate to the certification subject area.
- A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening and educator professional or temporary certification.

There are currently 38 state-approved EPI programs. Eighteen at Florida College System institutions, four at state universities, and 16 at private colleges or universities or private providers.<sup>21</sup>

### *Professional Learning Certification Programs*

School districts, charter schools and charter management organizations may offer a professional learning certification program that must be approved by the DOE. The program must include:<sup>22</sup>

- a minimum period of initial preparation before becoming the teacher of record;
- an option to collaborate with other agencies or educational entities for implementation;
- a teacher mentorship and induction component;
- an assessment of teaching performance aligned with the district's personnel evaluation system;
- professional educational preparation content knowledge which must be included in the mentoring and induction activities;
- required passing scores on the general knowledge, subject area and the professional education competency test; and
- completion of all competencies for a reading endorsement for all candidates for certification in coverage areas that include reading instruction or interventions in kindergarten through grade 6.

As required by law, the DOE adopted standards for the approval of professional learning certification programs, including standards for the teacher mentorship and induction component.<sup>23</sup> The standards for the teacher mentorship and induction component must include:<sup>24</sup>

- program administration and evaluation;
- mentor roles, selection, and training;

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<sup>20</sup> Section 1004.85(3), F.S. *See also* s.1004.04(2), F.S.

<sup>21</sup> Florida Department of Education, *State-Approved EPI Programs*, available at <https://www.fldoe.org/core/fileparse.php/7502/urlt/State-ApprovedEPIProgram.pdf>.

<sup>22</sup> Section 1012.56(8)(a)1.-7., F.S.

<sup>23</sup> *See* r. 6A-5.066, F.A.C.

<sup>24</sup> Section 1012.56(8)(c), F.S.

- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices (FEAP).

Currently, 44 school districts operate their own DOE-approved professional learning certification programs.<sup>25</sup>

### School Leader Preparation Programs

The DOE is required to approve all Level I and Level II school leader preparation programs that enable aspiring school leaders to obtain their certificate in educational leadership.<sup>26</sup> Level I programs lead to initial certification in educational leadership for the purpose for preparing individuals to serve as school administrators.<sup>27</sup> Level II programs build upon Level I training and lead to renewal certification as a school principal.<sup>28</sup> Postsecondary institutions, school districts, charter schools and charter management organizations are eligible to offer Level I and Level II school leadership programs.<sup>29</sup>

The school leadership programs are required to be competency-based, aligned to the principal leadership standards adopted by the SBE, and open to individuals employed by public schools, including charter schools and virtual schools.<sup>30</sup>

The purpose of school leader preparation programs is to:<sup>31</sup>

- Increase the supply of effective school leaders in the public schools of this state.
- Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.
- Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.
- Produce leaders with the competencies and skills necessary to achieve the state's education goals.
- Sustain the state system of school improvement and education accountability.

Initial Level I programs are approved for 5 years. A school district, postsecondary institution, charter school or charter management organizations may apply to the DOE to establish a Level 1 program. To be approved, a Level I program must:<sup>32</sup>

- Provide competency-based training aligned to the principal leadership standards adopted by the SBE.
- If the program is provided by a postsecondary institution, partner with at least one school district.
- Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.
- Describe how the training provided through the program will be aligned to the personnel evaluation criteria.

Initial approval and subsequent renewal of a Level II program is for a period of 5 years. A school district, charter school, or charter management organization may submit to the DOE an application to establish a Level II school leader preparation program or for program renewal. To be approved or renewed, a Level II program must:<sup>33</sup>

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<sup>25</sup> Florida Department of Education, *Professional Learning Certification Programs*, <https://www.fldoe.org/teaching/preparation/plcp.stml> (last visited Feb. 6, 2024).

<sup>26</sup> Section 1012.562, F.S.

<sup>27</sup> Section 1012.562, F.S.

<sup>28</sup> *Id.*

<sup>29</sup> Section 1012.562(2)(a) and (3)(a), F.S. *See also* r. 6A-5.081, F.A.C.

<sup>30</sup> Section 1012.562(2)(a) and (3)(a), F.S. *See also* r. 6A-5.081, F.A.C.

<sup>31</sup> Section 1012.562(1)(a)-(e), F.S.

<sup>32</sup> Section 1012.562(2)(a), F.S.

<sup>33</sup> Section 1012.256 (3)(a)(b), F.S.

- Demonstrate that personnel accepted into the Level II program have:
  - Obtained their certificate in educational leadership.
  - Earned a highly effective or effective designation.
  - Satisfactorily performed instructional leadership responsibilities as measured by their evaluation system.
- Demonstrate that the Level II program:
  - Provides competency-based training aligned to the principal leadership standards adopted by the State Board of Education.
  - Provides training aligned to the personnel evaluation criteria and professional development under the William Cecil Golden Professional Learning Program for School Leaders.
  - Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.
  - Conducts program evaluations and implements program improvements using input from personnel who completed the Level I program and employers and data gathered from the Level 1 Program.

### Procedures for Review of Complaints

Currently, no Florida law, rule, or regulation provides for a complaint review process specific to teacher preparation programs, EPIs, and Level I and Level II school leader preparation programs. However, both the DOE and the Board of Governors (BOG) of the State University System have processes for filing complaints related to programs they oversee.<sup>34</sup>

The mission of the Equity and Civil Rights Compliance Team within the DOE is to provide quality and efficient services and technical assistance to the Florida College system (FCS) to promote access, affordability, and success for all students.<sup>35</sup> The DOE advises all individuals to address their complaints first at the institutional level, but should the issue remain unresolved, provides resources for individuals wishing to file a complaint with the DOE or with other state and federal oversight entities.<sup>36</sup>

The BOG also encourages all students to initially work with the institution to resolve all complaints.<sup>37</sup> However, if the student is unable to resolve the issue the BOG provides a student complaint form for submission of the issue to the state.<sup>38</sup> Similar to the DOE, the BOG also provides contact information for other state and federal oversight entities, should the student be unable to resolve the complaint at the institutional level.<sup>39</sup>

Additionally, the curriculum of each program is reviewed as part of the program approval and reapproval process.<sup>40</sup> Failure to comply with statutory and rule requirements related to such curricula would be sufficient grounds for a complaint as described above and such violation, if proven, could result in a revocation of program approval.<sup>41</sup>

### **Effect of Proposed Changes**

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<sup>34</sup> See Florida Department of Education, *Concerns & Complaint Process*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/about-us/concerns-complaints.shtml> (last visited Feb. 5, 2024) and Board of Governors, *File a Complaint*, <https://www.flbog.edu/about-us/inspector-general/file-a-complaint/> (last visited Feb. 5, 2024).

<sup>35</sup> Florida Department of Education, *Concerns & Complaint Process*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/about-us/concerns-complaints.shtml> (last visited Feb. 5, 2024).

<sup>36</sup> *Id.*

<sup>37</sup> Board of Governors, *File a Complaint*, <https://www.flbog.edu/about-us/inspector-general/file-a-complaint/> (last visited Feb. 5, 2024).

<sup>38</sup> Board of Governors, *Board of Governors Assistance for Solving Problems*, <https://www.flbog.edu/universities/parents-students/board-of-governors-assistance-for-solving-problems/> (last visited Feb. 2, 2024).

<sup>39</sup> Board of Governors, *File a Complaint*, <https://www.flbog.edu/about-us/inspector-general/file-a-complaint/> (last visited Feb. 5, 2024).

<sup>40</sup> See ss. 1004.04, 1004.85, 1012.56, and 1012.562, F.S. and r. 6A-5.066, F.A.C.

<sup>41</sup> See ss. 1004.04, 1004.85, 1012.56, and 1012.562, F.S. and r. 6A-5.066, F.A.C.



The bill prohibits teacher preparation programs, EPIs, Professional Learning Certification Programs, and Level I and Level II school leader preparation programs from distorting significant historical events or include a curriculum or instruction that teaches identity politics, violates the FEEA, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

The bill requires all teacher preparation programs, EPIs, and Professional Learning Certification Programs to afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence. The bill requires Level I and Level II school leader preparation programs to afford candidates the opportunity to demonstrate mastery of program content, including instructional leadership strategies, coaching development, school safety, and continuous improvement efforts.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1004.04, F.S.; prohibiting the courses and curriculum of teacher preparation programs from distorting certain events and including certain curriculum and instruction; requiring teacher preparation programs to afford candidates certain opportunities.

**Section 2:** Amends s. 1004.85, F.S.; prohibiting the courses and curriculum of postsecondary educator preparation institutes from distorting certain events and including certain curriculum and instruction; requiring postsecondary educator preparation institutes to afford candidates certain opportunities.

**Section 3:** Amends s. 1012.56, F.S.; prohibiting the courses and curriculum of Professional Learning Certification Programs from distorting certain events and including certain curriculum and instruction; requiring postsecondary educator preparation institutes to afford candidates certain opportunities.

**Section 4:** Amends s. 1012.562, F.S.; prohibiting the courses and curriculum of school leader preparation programs from distorting certain events and including certain curriculum and instruction; requiring school leader preparation programs to afford candidates certain opportunities.

**Section 5:** Provides an effective date.

**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:**



None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide the SBE additional rulemaking authority but existing rules may need to be repealed or amended to incorporate the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 7, 2024, the Education & Employment Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Prohibits courses and training provided in a Professional Learning Certification Program from distorting historical facts and containing certain content.
- Requires that Professional Learning Certification Programs provide participants with opportunities to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

The analysis is drafted to the committee substitute adopted by the Education & Employment Committee.