

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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1372

INTRODUCER: Appropriations Committee on Education; Senator Ingoglia; and others

SUBJECT: Educator Preparation Programs

DATE: February 23, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|------------|--------------------|
| 1. | <u>Palazesi</u> | <u>Bouck</u> | <u>HE</u> | Favorable |
| 2. | <u>Gray</u> | <u>Elwell</u> | <u>AED</u> | Fav/CS |
| 3. | <u>Palazesi</u> | <u>Twogood</u> | <u>RC</u> | Pre-meeting |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1372 modifies requirements for courses and instruction in initial teacher preparation programs, educator preparation institutes, professional learning certification programs, and school leadership programs to specify that such programs:

- May not distort historical events, teach identity politics, violate Florida law regarding discrimination, or base such courses or instruction on specified theories.
- Must afford teacher candidates the opportunity to think critically, achieve mastery of academic content, learn instructional strategies, and demonstrate competence.

This bill does not have a fiscal impact. See Section V, Fiscal Impact Statement.

The bill is effective on July 1, 2024.

II. Present Situation:

Florida Educational Equity Act

The “Florida Educational Equity Act” (FEEA) prohibits discrimination.

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.

- 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.¹

The FEEA includes in 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:

- 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.²

Required Instruction in K-12 Classrooms

Each district school board is required to provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Instructional staff in public schools are required to teach efficiently and faithfully, using the books and materials required that meet the highest standards

¹ Section 1000.05(2), F.S.

² 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).

for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction.³

Required instruction and supporting materials in Florida classrooms must be consistent with the following principles of individual freedom:

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.
- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.⁴

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.⁵ 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.⁶

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

- 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.
- 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.

³ Section 1003.42, F.S.

⁴ Section 1003.42(3), F.S.

⁵ Section 1004.04(1), F.S.

⁶ See Florida Department of Education (DOE), *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Feb 1, 2024). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

- District professional development 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.⁷ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁸ and subject area knowledge.⁹

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.

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

- Candidate instruction and assessment in the Florida Educator Accomplished Practices (FEAP) across content areas;
- The use of state-adopted content standards to guide curricula and instruction;
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students;
- 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.¹⁰

⁷ Florida DOE, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Feb 1, 2024). See also rule 6A-5.066, F.A.C.

⁸ See Florida DOE, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Feb. 1, 2024).

⁹ Florida DOE, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Feb. 1, 2024).

¹⁰ Section 1004.04(2), F.S.

There are 57 initial teacher preparation programs in Florida, at 10 state universities, 19 Florida College System institutions, and 28 private colleges and universities.¹¹

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:

- Professional learning 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.¹²

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.¹³

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 of the institute's capacity to implement a competency-based program that includes each of the following:

- 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.

¹¹ 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.shtml> (last visited Feb. 1, 2024).

¹² Section 1004.85(2), F.S.

¹³ *Id.*

- 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.¹⁴

Continued program approval is determined by the Commissioner of Education (commissioner) based upon a periodic review of candidate readiness based on passage rates on educator certification examinations and evidence of performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments, results of program completers' annual evaluations, and workforce contributions.¹⁵

Each approved EPI must submit annual performance evaluations to the DOE that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and satisfaction surveys of employers and program completers. The satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of the classroom and the institute's responsiveness to local school districts. These evaluations must be used by the DOE for purposes of continued approval of an EPI's certification program.¹⁶

There are currently 38 state-approved EPI programs.¹⁷

Professional Learning Certification Programs

Each school district, charter school, and charter management organization is authorized to provide a cohesive competency-based professional learning certification program (PLCP), developed and approved by the Department of Education (DOE), which allows instructional staff to satisfy the mastery of professional preparation and education competence requirements. The PLCP program is required to include the following:

- A teacher mentorship and induction component, which is required to, at a minimum provide routine opportunities for mentoring and induction activities, including ongoing professional learning as targeted to a teacher's needs, opportunities for a teacher to observe other teachers, co-teaching experiences, and reflection and follow-up discussions.
- An assessment of teaching performance aligned with the district's, charter school's, or charter management organization's system for personnel evaluation which provides for:

¹⁴ Section 1004.85(3), F.S. *See also* s.1004.04(2),F.S.

¹⁵ Section 1004.85(4), F.S. *See also* Rule 6A-5.066, F.A.C.

¹⁶ Section 1004.85(5), F.S. *See also* Rule 6A-5.066, F.A.C.

¹⁷ Florida Department of Education, *State-Approved EPI Programs*, available at <https://www.fldoe.org/core/fileparse.php/7502/urlt/State-ApprovedEPIProgram.pdf>. (Last visited Feb. 1, 2024)

- An initial evaluation of each educator’s competencies to determine the appropriate individualized professional learning plan.
- A summative evaluation to assure successful completion of the program.
- Professional education preparation content knowledge, which must be included in the mentoring and induction standards, that includes, but is not limited to, the following:
 - The state academic standards, including scientifically researched and evidence-based reading instructional strategies grounded in the science of reading, content literacy, and mathematical practices, for each subject identified on the temporary certificate.
 - The educator-accomplished practices approved by the SBE.
- Required achievement of passing scores on the subject area and professional education competency examination required by SBE rule and demonstrated mastery of general knowledge.¹⁸
- Candidate for certification in certain coverage areas¹⁹ are required to successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum.²⁰

In the 2023-2024 school year, there were 48 total approved PLCP programs, four of the 48 approved programs were charter schools or charter management companies and the remaining 44 were district approved PLCP programs.²¹

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. Level I programs lead to initial certification in educational leadership for the purpose for preparing individuals to serve as school administrators. Level II programs build upon Level I training and lead to renewal certification as a school principal. Postsecondary institutions, school districts, charter schools and charter management organizations are eligible to offer Level I and Level II school leadership programs.²²

¹⁸ Section 1012.56(3), F.S., provides candidates several different pathways to demonstrate mastery of general knowledge including: achievement of passing scores on the general knowledge examination; valid professional standard teaching certificate issued by another state; valid certificate issued by the National Board for Professional Teaching Standards; Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university; Achievement of passing scores, identified in state board rule, on national or international examination; Documentation of receipt of a master’s or higher degree from an accredited postsecondary educational institution.

¹⁹ Section 1012.585(3), F.S., requires that an applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or the equivalent inservice points in evidence-based instruction and interventions grounded in the science of reading specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

²⁰ Section 1012.56(8), F.S., provides the following requirements for mentor teachers: holds a valid professional certificate, earned at least 3 years of teaching experience in Pre-K-grade 12; completed training in clinical supervision and participate in ongoing mentor training, earned an effective or highly-effective rating, may be a peer evaluator under the district’s evaluation system.

²¹ Florida Department of Education, *Professional Learning Certification Programs*, <https://www.fldoe.org/teaching/preparation/plcp.stml>, last visited (Feb. 8, 2024).

²² Section 1012.562, F.S., *See also* Rule 6A-5.081, F.A.C.

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.²³

The purpose of school leader preparation programs is to:

- 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.²⁴

Initial Level I programs are approved for five years. A school district, postsecondary institution, charter school or charter management organizations may submit an application to the Department of Education (DOE) to establish a Level 1 program. To be approved, a Level I program must:

- 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.²⁵

Renewal of Level I programs are approved for a period of five years and are based upon evidence of the program's continued ability to meet the initial approval requirements. A postsecondary institution or school district must submit an institutional program evaluation plan in a format prescribed by DOE for a Level I program to be considered for renewal. The plan must include:

- The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.
- Results from the personnel evaluations for personnel who complete the program.
- The passage rate of personnel who complete the program on the Florida Education Leadership Examination.
- The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner.
- Strategies for continuous improvement of the program.

²³ *Id.*

²⁴ Section 1012.562(1), F.S.

²⁵ Section 1012.562(2)(a), F.S.

- Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.
- Additional data included at the discretion of the postsecondary institution or school district.²⁶

Initial approval and subsequent renewal of a Level II program is for a period of five 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:

- 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 I Program.²⁷

III. Effect of Proposed Changes:

This bill amends s. 1004.04, F.S., to specify that teacher preparation program courses may not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, F.S.,²⁸ 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 also requires that teacher preparation program courses afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

The bill amends s. 1004.85, F.S., to require that educator preparation institutes (EPIs) at postsecondary institutions approved by the Department of Education (DOE) may not provide instruction that distorts significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, F.S., 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 also requires that courses

²⁶ Section 1012.562(2)(b), F.S.

²⁷ Section 1012.256 (3), F.S.

²⁸ Section 1000.05, F.S., establishes the Florida Educational Equity Act.

and instruction at EPIs afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

The bill amends s. 1012.56, F.S., to require that courses in a school district, charter school, or charter school management company's Professional Learning Certification Program (PLCP) may not provide instruction that distorts significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, F.S., 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 also requires that courses and instruction at PLCPs afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

The bill amends s.1012.562, F.S., to require that Level I and Level II school leader preparation programs may not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, F.S., 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 also requires that Level I and Level II school leader preparation programs afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

The bill is effective on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not appear to have an impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.04, 1004.85, 1012.56 and 1012.562.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Education on February 8, 2024:

The committee substitute modifies requirements for courses in Professional Learning Certification Programs to specify that such courses:

- May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, F.S., or is based on theories of 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.
- Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

B. Amendments:

None.