

CS/CS/SB 6 — Education Personnel

by Policy and Steering Committee on Ways and Means; Education Pre-K–12 Committee; and Senators Thrasher, Gaetz, Detert, Wise, Constantine, Richter, Peaden, Storms, and Baker

Contracts with Classroom Teachers

The bill prohibits professional service contracts for classroom teachers hired in a Florida school district on or after July 1, 2010.

Probationary Contracts

Beginning with new classroom teachers hired on or after July 1, 2010, the probationary contract is lengthened from 97 days to one school year, under which the classroom teacher may resign or be dismissed by the school district without cause.

Annual Contracts

Upon successful completion of the probationary contract, a classroom teacher is eligible to receive an annual contract. The contract may not exceed one year in duration and the school board can choose to renew or not renew without cause. A classroom teacher may receive four annual contracts if the teacher:

- Holds a professional certificate as prescribed by s. 1012.56, F.S., and State Board of Education rules; and
- Is recommended by the superintendent for the contract and approved by the district school board.

An annual contract may only be granted for the sixth year of teaching and thereafter to a state-certified classroom teacher who was approved by the school board for a contract and whose performance is rated effective or highly effective in at least two of the preceding three years by the performance appraisal, based on objective student learning gains and Florida's Educator Accomplished Practices.

A classroom teacher with an annual contract may be suspended or dismissed at any time for just cause, which includes poor performance, as demonstrated by a lack of student learning gains. If charges against a teacher are not sustained, he or she would be immediately reinstated with back pay.

Performance and Differentiated-Pay

Beginning in 2014-2015, the bill prohibits a school district from using time served or degrees-held as a factor in establishing the salary schedule. The bill does not cut salaries for existing or new instructional personnel or school-based administrators. Instead, salary increases, under the performance fund, would be awarded based on the individual's performance, as measured under his or her appraisal. As part of the appraisal, school districts may consider advanced degrees as part of the individual's performance.

Beginning teachers, teachers with valid professional certificates from another state, and teachers with a Florida professional certificate who have been out of the classroom in the last five years are subject to a district-created salary schedule for the first year that they provide instruction in a Florida K-12 classroom. However, these teachers would be subject to the same salary schedule as other teachers after the first year.

School district must also provide differentiated pay based on the individual's assignment to a high-priority location, teaching in a critical teacher shortage area, or the assignment of additional academic responsibilities. Continued differentiated pay, however, is contingent upon performance documented under the individual's performance appraisal.

Performance Appraisal System

The Department of Education would approve the district's appraisal instruments and appraisal system for instructional personnel and school-based administrators. The bill also adds components to monitor the use of the system and evaluate the system's effectiveness in improving instruction and student learning. Beginning teachers, teachers with valid professional certificates from another state, and teachers with a Florida professional certificate who have been out of the classroom in the last five years would be evaluated at least twice in the first year of teaching. Appraisals of instructional personnel and school-based administrators would include parent and teacher input.

Components of the appraisal systems described in the bill are divided into two parts: performance of students and instructional practice or leadership (for instructional or administrative personnel, respectively). The revision of instructional practice components and instructional leadership components in the bill refers specifically to the Florida Educator Accomplished Practices and the Florida Principal Leadership Standards.

The appraisal system must differentiate among four levels: highly effective, effective, needs improvement, and unsatisfactory. The Commissioner of Education is required to consult with classroom teachers and performance pay experts on developing the performance levels for the appraisal systems.

Beginning in 2014-2015, more than 50 percent of a classroom teacher's performance evaluation would be based on the learning gains of students assigned to the teacher. For other instructional personnel and school-based administrators, more than 50 percent of their performance evaluation must be based on the learning gains of students assigned to the school. Student learning gain thresholds would be set in State Board of Education rule. Personnel may not be rated as effective or highly effective if students fail to demonstrate learning gains. If an individual receives a poor performance rating, he or she may request a review by the superintendent.

Professional Certification and Recruitment

The bill adds requirements related to subject area mastery and an option for satisfying mastery of professional preparation and education competency for instructional personnel. The bill also revises the requirements for the renewal of a professional certificate and restricts the assignment of beginning teachers who are not certified in certain subject areas. Specifically, the bill:

- Requires temporary certificate holders to pass the subject area exam within the first year of employment under the temporary certificate, with some extenuating exceptions;
- Requires the State Board of Education to review the subject area exam and the rigor of reading instruction required for certification; and
- Prohibits the assignment of a beginning teacher to teach reading, science, or mathematics if the teacher is not certified in reading, science, or mathematics.

Beginning with the 2014-2015 school year, an individual must meet new requirements for renewal of a professional certificate. An applicant must provide evidence that he or she received a performance appraisal rating of effective or highly effective in four of the last five years of certification.

After July 1, 2014, an individual with certification from the National Board for Professional Teaching Standards would no longer have his or her state professional certificate automatically renewed. The applicant would be required to meet all renewal requirements. The bill allows bonuses to be provided to individuals, if funding is available, who hold board certification on July 1, 2010, and who remain continuously employed in a Florida public school or the Florida School for the Deaf and the Blind.

State-Approved Teacher Preparation Programs

As a condition of continued approval, traditional teacher preparation programs, the Educator Preparation (EPI) programs, and alternative certification programs must provide evidence that the students of their graduates made learning gains, as measured by state assessments.

Traditional Teacher Preparation Programs

The bill eliminates the admissions waiver for up to 10 percent of students admitted to a traditional teacher program.

Pre-service field experiences for student teachers must be based on the skills of instructors or supervisors who have documented evidence of sustained student learning gains. Preservice programs are required to provide students with continuous participation in supervised classroom settings.

For a graduate who fails to demonstrate student learning gains two years immediately following graduation or initial certification, his or her teacher preparation program must provide additional training by the program at no expense to the educator or employer.

EPI Alternative Certification Programs

The bill requires alternative certification participants to provide evidence of eligibility for a temporary certificate, complete field experiences, and demonstrate mastery of general knowledge, and subject area testing prior to completion of the program.

Review of Teacher Preparation Programs

The Department of Education must issue a report by December 1, 2011, on the effectiveness of state-approved teacher preparation programs. In a separate report, the Office of Program Policy Analysis and Government Accountability must review the current standards for the continued approval of teacher preparation programs and make recommendations to the Legislature by January 1, 2012.

End-of-Course Assessments

The bill requires districts to develop or acquire valid and reliable end-of-course assessments for subject areas and grade levels that are not assessed by the Florida Comprehensive Assessment Test or exams for a College Board Advanced Placement (AP) course, International Baccalaureate (IB) program, Advanced International Certificate of Education (AICE) program, or national industry certification exams. Under the bill, district-wide implementation of the assessments would occur in 2013-2014. Each district school superintendent is responsible for the security of the assessments and would certify the integrity of the exam process.

Under the bill, the Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments, including item banks.

School District and Charter School Accountability

The bill requires the commissioner to review a sample of assessments from multiple districts, beginning with the 2013-2014 fiscal year and to review salary schedules, beginning with the 2014-2015 fiscal year. All school districts must provide the commissioner with their adopted salary schedules and supporting evidence. Compliance with classroom teacher contract requirements is determined by the Auditor General or an independent certified public accountant, based on a sample of contracts reviewed during a district's financial audit.

The bill designates a performance fund for each district and charter school. Funds may be used to implement the development and acquisition of end-of-course exams, the development of an appraisal system, salary increases based on performance appraisals, and differentiated pay. Any funds remaining after a district or charter school has met its requirements may be used for current operations, but unexpended funds revert at the end of the state fiscal year.

Funds may not be used to increase the salary of a person rated on a performance appraisal as unsatisfactory or in need of improvement. Districts and charter schools that fail to comply with the requirements would have funds withheld from the state Florida Education Finance Program distribution. The bill requires charter schools to comply with the requirements for salary schedules, assessments and appraisals, and with the prohibition for professional service contracts. The Commissioner of Education must monitor a sample of charter schools for compliance.

Other

For school districts that receive a grant of \$75 million or more from a private foundation to improve teacher effectiveness, the bill provides an exception to the requirements for end-of-

course assessments, the performance fund, and performance pay and appraisals. The bill requires the State Board of Education to annually review the district's progress before granting the exemption.

Repealed Provisions

The bill repeals the following: the deregulated public schools pilot programs; academic performance-based charter school districts; the Preteacher and Teacher Education Pilot Programs; the Teacher Education Pilot Programs for High-Achieving Students; the Merit Award Program; the Critical Teacher Shortage Program; the Florida Teacher Scholarship and Forgivable Loan Program; the Critical Teacher Shortage Tuition Reimbursement Program; and the Critical Teacher Shortage Student Loan Forgiveness Program.

This bill was vetoed by the Governor on April 15, 2010.

Vote: Senate 21-17; House 64-55