

1 A bill to be entitled  
2 An act relating to education personnel; amending s.  
3 39.202, F.S.; authorizing the release of child abuse  
4 records to certain employees and agents of the Department  
5 of Education; amending s. 447.403, F.S.; deleting a  
6 provision that provides for an expedited impasse hearing  
7 for disputes involving the Merit Award Program plan to  
8 conform to changes made by the act; amending s. 1002.33,  
9 F.S.; requiring a charter school to adopt a salary  
10 schedule for instructional personnel and school-based  
11 administrators which meets certain requirements; providing  
12 that charter schools must meet certain requirements for  
13 end-of-course assessments, performance appraisals, and  
14 certain contracts; deleting a cross-reference to conform  
15 to changes made by the act; requiring that the  
16 Commissioner of Education review certain charter schools  
17 for compliance with the requirements for a salary  
18 schedule, assessments, and contracts; requiring a  
19 specified funding adjustment to be imposed against a  
20 charter school that is not in compliance; amending s.  
21 1003.52, F.S.; deleting a cross-reference to conform to  
22 changes made by the act; repealing s. 1003.62, F.S.,  
23 relating to academic performance-based charter school  
24 districts; amending s. 1003.621, F.S.; providing  
25 additional requirements for personnel in academically  
26 high-performing school districts; repealing s. 1003.63,  
27 relating to the deregulated public schools pilot program;  
28 amending s. 1004.04, F.S.; revising the criteria for

29 continued approval of teacher preparation programs to  
 30 include student learning gains; deleting the waiver of  
 31 admissions criteria for certain students; deleting the  
 32 criterion relating to employer satisfaction; revising the  
 33 requirements for a teacher preparation program to provide  
 34 additional training to a graduate who fails to demonstrate  
 35 essential skills; deleting a provision that requires  
 36 state-approved teacher preparation programs and public and  
 37 private institutions offering training for school-  
 38 readiness-related professions to report graduate  
 39 satisfaction ratings; revising the requirements for  
 40 preservice field experience programs; repealing s.  
 41 1004.04(11) and (12), F.S., relating to the Preteacher and  
 42 Teacher Education Pilot Programs and the Teacher Education  
 43 Pilot Programs for High-Achieving Students; amending s.  
 44 1004.85, F.S.; revising the requirements for individuals  
 45 who participate in programs at postsecondary educator  
 46 preparation institutes; revising the requirements for  
 47 approved alternative certification programs and  
 48 instructors; creating s. 1008.222, F.S.; requiring school  
 49 districts to develop and implement end-of-course  
 50 assessments; requiring a review of assessments by the  
 51 Commissioner of Education; amending s. 1009.40, F.S.;  
 52 deleting cross-references to conform to changes made by  
 53 the act; repealing s. 1009.54, F.S., relating to the  
 54 Critical Teacher Shortage Program; repealing s. 1009.57,  
 55 F.S., relating to the Florida Teacher Scholarship and  
 56 Forgivable Loan Program; repealing s. 1009.58, F.S.,

57 relating to the Critical Teacher Shortage Tuition  
 58 Reimbursement Program; repealing s. 1009.59, F.S.,  
 59 relating to the Critical Teacher Shortage Student Loan  
 60 Forgiveness Program; amending s. 1009.94, F.S.; deleting  
 61 cross-references to conform to changes made by the act;  
 62 creating s. 1011.626, F.S.; providing legislative findings  
 63 and intent; creating the Performance Fund for  
 64 Instructional Personnel and School-Based Administrators;  
 65 providing for calculation of the fund amount; providing  
 66 for distribution of funds to districts and specifying  
 67 purposes for which funds may be expended; providing for  
 68 reversion of unexpended funds; specifying that salary  
 69 increases from these funds are in addition to other salary  
 70 adjustments; specifying requirements for individuals paid  
 71 from federal grants; requiring that each district school  
 72 board submit its district adopted salary schedule and  
 73 certain assessments to the Commissioner of Education for  
 74 review; requiring that the commissioner determine  
 75 compliance with requirements applicable to the schedules  
 76 and assessments; requiring a review by the Auditor General  
 77 of certain classroom teacher contracts; requiring that the  
 78 Commissioner of Education notify the Governor and  
 79 Legislature of school districts that fail to comply with  
 80 salary schedule, assessment, and contract requirements;  
 81 requiring a specified funding adjustment to be imposed  
 82 against a school district for such failure to comply;  
 83 requiring that the State Board of Education adopt rules;  
 84 amending s. 1011.69, F.S.; deleting a provision that

85 | exempts academic performance-based charter school  
 86 | districts from the Equity in School-Level Funding Act to  
 87 | conform to changes made by the act; amending s. 1012.05,  
 88 | F.S.; revising the Department of Education's  
 89 | responsibilities for teacher recruitment; amending s.  
 90 | 1012.07, F.S.; revising the methodology for determining  
 91 | critical teacher shortage areas; deleting cross-references  
 92 | to conform to changes made by the act; amending s.  
 93 | 1012.22, F.S.; revising the powers and duties of the  
 94 | district school board with respect to school district  
 95 | compensation and salary schedules; requiring that certain  
 96 | performance criteria be included in the adopted schedules;  
 97 | revising the differentiated pay provisions; repealing s.  
 98 | 1012.225, F.S., relating to the Merit Award Program for  
 99 | Instructional Personnel and School-Based Administrators;  
 100 | repealing s. 1012.2251, F.S., relating to the end-of-  
 101 | course examinations for the Merit Award Program; amending  
 102 | s. 1012.33, F.S.; revising provisions relating to  
 103 | contracts with certain educational personnel; requiring a  
 104 | district school board's decision to retain personnel who  
 105 | have continuing contracts or professional service  
 106 | contracts to be primarily based on the employee's  
 107 | performance; deleting requirements that school board  
 108 | decisions for workforce reductions be based on collective  
 109 | bargaining agreements; deleting requirements for district  
 110 | school board rules for workforce reduction; creating s.  
 111 | 1012.335, F.S.; providing definitions; providing  
 112 | employment criteria for newly hired classroom teachers;

113 providing grounds for termination; requiring that the  
 114 State Board of Education adopt rules defining the term  
 115 "just cause"; providing guidelines for such term; amending  
 116 s. 1012.34, F.S.; revising provisions related to the  
 117 appraisal of instructional personnel and school-based  
 118 administrators; requiring that the Department of Education  
 119 approve school district appraisal instruments; requiring  
 120 the Department of Education to collect appraisal  
 121 information from school districts and to report such  
 122 information to the Governor and the Legislature; providing  
 123 requirements for appraisal systems; authorizing an  
 124 employee to request that a district school superintendent  
 125 review an unsatisfactory performance appraisal; conforming  
 126 provisions to changes made by the act; amending s.  
 127 1012.42, F.S.; prohibiting a district school board from  
 128 assigning a new teacher to teach reading, science, or  
 129 mathematics if he or she is not certified in those subject  
 130 areas; repealing s. 1012.52, F.S., relating to legislative  
 131 intent for teacher quality; amending s. 1012.56, F.S.;  
 132 revising the certification requirements for persons  
 133 holding a valid professional standard teaching certificate  
 134 issued by another state; providing additional means of  
 135 demonstrating mastery of professional preparation and  
 136 education competence; requiring that the State Board of  
 137 Education review the current subject area examinations and  
 138 increase the scores necessary for achieving certification;  
 139 authorizing the State Board of Education to adopt rules to  
 140 allow certain college credit to be used to meet

141 certification requirements; amending s. 1012.585, F.S.;

142 providing for future expiration of provisions governing

143 certification of teachers who hold national certification;

144 revising the renewal requirements for a professional

145 certificate; providing additional requirements that must

146 be met in order to renew the certificate; requiring that

147 the State Board of Education adopt rules for the renewal

148 of a certificate held by a certificateholder who has not

149 been evaluated under s. 1012.34, F.S.; amending s.

150 1012.72, F.S.; limiting bonuses under the Dale Hickam

151 Excellent Teaching Program to individuals who remain

152 continuously employed in a public school in this state or

153 the Florida School for the Deaf and the Blind; amending s.

154 1012.79, F.S.; revising the composition of the Education

155 Practices Commission; conforming provisions to changes

156 made by the act; amending s. 1012.795, F.S.; conforming

157 provisions to changes made by the act; requiring that the

158 Department of Education submit a report on the cost-

159 effectiveness of teacher preparation programs to the

160 Governor and the Legislature by a specified date;

161 specifying the report requirements; requiring that the

162 Office of Program Policy Analysis and Government

163 Accountability submit recommendations to the Legislature

164 relating to changes in the criteria for the continued

165 approval of teacher preparation programs; authorizing

166 school districts to seek an exemption from the State Board

167 of Education from the requirement of certain laws;

168 authorizing the State Board of Education to adopt rules;

169 providing for severability; providing for application of a  
 170 specified provision of the act; providing effective dates.  
 171

172 Be It Enacted by the Legislature of the State of Florida:  
 173

174 Section 1. Paragraph (t) is added to subsection (2) of  
 175 section 39.202, Florida Statutes, to read:

176 39.202 Confidentiality of reports and records in cases of  
 177 child abuse or neglect.—

178 (2) Except as provided in subsection (4), access to such  
 179 records, excluding the name of the reporter which shall be  
 180 released only as provided in subsection (5), shall be granted  
 181 only to the following persons, officials, and agencies:

182 (t) Employees or agents of the Department of Education who  
 183 are responsible for the investigation or prosecution of  
 184 misconduct by certified educators.

185 Section 2. Paragraph (c) of subsection (2) of section  
 186 447.403, Florida Statutes, is amended to read:

187 447.403 Resolution of impasses.—

188 (2)

189 ~~(c) If the district school board is the public employer~~  
 190 ~~and an impasse is declared under subsection (1) involving a~~  
 191 ~~dispute of a Merit Award Program plan under s. 1012.225, the~~  
 192 ~~dispute is subject to an expedited impasse hearing.~~

193 ~~Notwithstanding subsections (3), (4), and (5), and the rules~~  
 194 ~~adopted by the commission, the following procedures shall apply:~~

195 ~~1.a. The commission shall furnish the names of seven~~  
 196 ~~special magistrates within 5 days after receiving notice of~~

197 ~~impasse. If the parties are unable to agree upon a special~~  
 198 ~~magistrate within 5 days after the date of the letter~~  
 199 ~~transmitting the list of choices, the commission shall~~  
 200 ~~immediately appoint a special magistrate. The special magistrate~~  
 201 ~~shall set the hearing, which shall be held no later than 15 days~~  
 202 ~~after the date of appointment of the special magistrate. Within~~  
 203 ~~5 days after the date of appointment of a special magistrate,~~  
 204 ~~each party shall serve upon the special magistrate and upon each~~  
 205 ~~other party a written list of issues at impasse.~~

206 ~~b. At the close of the hearing, the parties shall~~  
 207 ~~summarize their arguments and may provide a written memorandum~~  
 208 ~~in support of their positions.~~

209 ~~c. Within 10 days after the close of the hearing, the~~  
 210 ~~special magistrate shall transmit a recommended decision to the~~  
 211 ~~commission and the parties.~~

212 ~~d. The recommended decision of the special magistrate~~  
 213 ~~shall be deemed accepted by the parties, except as to those~~  
 214 ~~recommendations that a party specifically rejects, by filing a~~  
 215 ~~written notice with the commission and serving a copy on the~~  
 216 ~~other party within 5 days after the date of the recommended~~  
 217 ~~decision.~~

218 ~~2. If a party rejects any part of the recommended decision~~  
 219 ~~of the special magistrate, the parties shall proceed directly to~~  
 220 ~~resolution of the impasse by the district school board pursuant~~  
 221 ~~to paragraph (4) (d).~~

222 Section 3. Paragraph (c) is added to subsection (16) of  
 223 section 1002.33, Florida Statutes, paragraph (a) of subsection  
 224 (20) of that section is amended, present subsection (26) of that



225 section is redesignated as subsection (27), and a new subsection  
 226 (26) is added to that section, to read:

227 1002.33 Charter schools.—

228 (16) EXEMPTION FROM STATUTES.—

229 (c) A charter school shall also comply with the following:

230 1. A charter school may not award a professional service  
 231 contract or similar contract to a classroom teacher hired on or  
 232 after July 1, 2010.

233 2. Beginning with the 2014-2015 school year and  
 234 thereafter, a charter school must adopt a salary schedule for  
 235 instructional personnel and school-based administrators which  
 236 compensates instructional personnel and school-based  
 237 administrators based on their performance. Salary adjustments  
 238 for instructional personnel and school-based administrators must  
 239 be based only on performance demonstrated under s. 1012.34. A  
 240 charter school may not use length of service or degrees held by  
 241 instructional personnel or school-based administrators as a  
 242 factor in setting the salary schedule.

243 3. A charter school must meet the following requirements:

244 a. Administer assessments that comply with s. 1008.222.

245 However, a charter school may use its own assessments if the  
 246 assessments comply with s. 1008.222;

247 b. Maintain the security and integrity of end-of-course  
 248 assessments developed or acquired pursuant to s. 1008.222; and

249 c. Adopt a performance appraisal system that complies with  
 250 s. 1012.34.

251 (20) SERVICES.—

252 (a) A sponsor shall provide certain administrative and

253 | educational services to charter schools. These services shall  
 254 | include contract management services; full-time equivalent and  
 255 | data reporting services; exceptional student education  
 256 | administration services; services related to eligibility and  
 257 | reporting duties required to ensure that school lunch services  
 258 | under the federal lunch program, consistent with the needs of  
 259 | the charter school, are provided by the school district at the  
 260 | request of the charter school, that any funds due to the charter  
 261 | school under the federal lunch program be paid to the charter  
 262 | school as soon as the charter school begins serving food under  
 263 | the federal lunch program, and that the charter school is paid  
 264 | at the same time and in the same manner under the federal lunch  
 265 | program as other public schools serviced by the sponsor or the  
 266 | school district; test administration services, including payment  
 267 | of the costs of state-required or district-required student  
 268 | assessments; processing of teacher certificate data services;  
 269 | and information services, including equal access to student  
 270 | information systems that are used by public schools in the  
 271 | district in which the charter school is located. Student  
 272 | performance data for each student in a charter school,  
 273 | including, but not limited to, FCAT scores, standardized test  
 274 | scores, previous public school student report cards, and student  
 275 | performance measures, shall be provided by the sponsor to a  
 276 | charter school in the same manner provided to other public  
 277 | schools in the district. A total administrative fee for the  
 278 | provision of such services shall be calculated based upon up to  
 279 | 5 percent of the available funds defined in paragraph (17)(b)  
 280 | for all students. However, a sponsor may only withhold up to a

281 5-percent administrative fee for enrollment for up to and  
 282 including 500 students. For charter schools with a population of  
 283 501 or more students, the difference between the total  
 284 administrative fee calculation and the amount of the  
 285 administrative fee withheld may only be used for capital outlay  
 286 purposes specified in s. 1013.62(2). ~~Each charter school shall~~  
 287 ~~receive 100 percent of the funds awarded to that school pursuant~~  
 288 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any  
 289 additional fees or surcharges for administrative and educational  
 290 services in addition to the maximum 5-percent administrative fee  
 291 withheld pursuant to this paragraph.

292 (26) FUNDING AND COMPLIANCE.—

293 (a) Effective with the beginning of the 2011-2012 year,  
 294 and each year thereafter, the Commissioner of Education shall  
 295 calculate and distribute funds from the Performance Fund for  
 296 Instructional Personnel and School-Based Administrators in s.  
 297 1011.626 to charter schools in the same manner as for school  
 298 districts. Charter schools must meet the requirements in s.  
 299 1011.626(5).

300 (b) By September 15 of each year, each charter school  
 301 governing board shall certify to the Commissioner of Education  
 302 that its school meets the requirements in paragraph (16)(c). The  
 303 commissioner shall verify compliance with paragraph (16)(c) by  
 304 selecting a sample of charter schools each year to provide  
 305 information to determine compliance. On or before October 1 of  
 306 each year, a selected charter school must submit the requested  
 307 information to the commissioner. On or before December 15 of  
 308 each year, the commissioner shall complete a review of each

309 selected charter school for that school year, determine  
 310 compliance with paragraph (16)(c), and notify each charter  
 311 school governing board and sponsor if the charter school is not  
 312 in compliance with paragraph (16)(c). The commissioner shall  
 313 certify the charter schools that do not comply with paragraph  
 314 (16)(c) to the Governor, the President of the Senate, and the  
 315 Speaker of the House of Representative on or before February 15  
 316 of each year. Each certified charter school shall receive a  
 317 funding adjustment of state funds equivalent to 5 percent of the  
 318 total Florida Education Finance Program funds provided in the  
 319 General Appropriations Act for the charter school. Such funding  
 320 adjustment shall be implemented through the withholding of funds  
 321 to which the charter school is entitled.

322 Section 4. Subsection (10) of section 1003.52, Florida  
 323 Statutes, is amended to read:

324 1003.52 Educational services in Department of Juvenile  
 325 Justice programs.—

326 (10) The district school board shall recruit and train  
 327 teachers who are interested, qualified, or experienced in  
 328 educating students in juvenile justice programs. Students in  
 329 juvenile justice programs shall be provided a wide range of  
 330 educational programs and opportunities including textbooks,  
 331 technology, instructional support, and other resources available  
 332 to students in public schools. Teachers assigned to educational  
 333 programs in juvenile justice settings in which the district  
 334 school board operates the educational program shall be selected  
 335 by the district school board in consultation with the director  
 336 of the juvenile justice facility. Educational programs in

337 juvenile justice facilities shall have access to the substitute  
 338 teacher pool utilized by the district school board. Full-time  
 339 teachers working in juvenile justice schools, whether employed  
 340 by a district school board or a provider, shall be eligible for  
 341 ~~the critical teacher shortage tuition reimbursement program as~~  
 342 ~~defined by s. 1009.58 and other~~ teacher recruitment and  
 343 retention programs.

344 Section 5. Section 1003.62, Florida Statutes, is repealed.

345 Section 6. Paragraph (h) of subsection (2) of section  
 346 1003.621, Florida Statutes, is amended to read:

347 1003.621 Academically high-performing school districts.—It  
 348 is the intent of the Legislature to recognize and reward school  
 349 districts that demonstrate the ability to consistently maintain  
 350 or improve their high-performing status. The purpose of this  
 351 section is to provide high-performing school districts with  
 352 flexibility in meeting the specific requirements in statute and  
 353 rules of the State Board of Education.

354 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
 355 high-performing school district shall comply with all of the  
 356 provisions in chapters 1000-1013, and rules of the State Board  
 357 of Education which implement these provisions, pertaining to the  
 358 following:

359 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
 360 differentiated pay and performance-pay policies for school  
 361 administrators and instructional personnel, and s. 1012.34,  
 362 relating to appraisal procedures and criteria. Professional  
 363 service contracts are subject to the provisions of s. ~~ss.~~

364 1012.33 ~~and 1012.34~~. Contracts with classroom teachers hired on  
 365 or after July 1, 2010, are subject to s. 1012.335.

366 Section 7. Section 1003.63, Florida Statutes, is repealed.

367 Section 8. Paragraph (b) of subsection (4) and subsections  
 368 (5) and (6) of section 1004.04, Florida Statutes, are amended to  
 369 read:

370 1004.04 Public accountability and state approval for  
 371 teacher preparation programs.—

372 (4) INITIAL STATE PROGRAM APPROVAL.—

373 (b) Each teacher preparation program approved by the  
 374 Department of Education, as provided for by this section, shall  
 375 require students to meet the following as prerequisites for  
 376 admission into the program:

377 1. Have a grade point average of at least 2.5 on a 4.0  
 378 scale for the general education component of undergraduate  
 379 studies or have completed the requirements for a baccalaureate  
 380 degree with a minimum grade point average of 2.5 on a 4.0 scale  
 381 from any college or university accredited by a regional  
 382 accrediting association as defined by State Board of Education  
 383 rule or any college or university otherwise approved pursuant to  
 384 State Board of Education rule.

385 2. Demonstrate mastery of general knowledge, including the  
 386 ability to read, write, and compute, by passing the General  
 387 Knowledge Test of the Florida Teacher Certification Examination,  
 388 the College Level Academic Skills Test, a corresponding  
 389 component of the National Teachers Examination series, or a  
 390 similar test pursuant to rules of the State Board of Education.  
 391

392 ~~Each teacher preparation program may waive these admissions~~  
 393 ~~requirements for up to 10 percent of the students admitted.~~  
 394 ~~Programs shall implement strategies to ensure that students~~  
 395 ~~admitted under a waiver receive assistance to demonstrate~~  
 396 ~~competencies to successfully meet requirements for~~  
 397 ~~certification.~~

398 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection  
 399 (4), failure by a public or nonpublic teacher preparation  
 400 program to meet the criteria for continued program approval  
 401 shall result in loss of program approval. The Department of  
 402 Education, in collaboration with the departments and colleges of  
 403 education, shall develop procedures for continued program  
 404 approval that document the continuous improvement of program  
 405 processes and graduates' performance.

406 (a) Continued approval of specific teacher preparation  
 407 programs at each public and nonpublic postsecondary educational  
 408 institution within the state is contingent upon a determination  
 409 by the Department of Education of student learning gains, as  
 410 measured by state assessments required under s. 1008.22.

411 (b) ~~(a)~~ Continued approval of specific teacher preparation  
 412 programs at each public and nonpublic postsecondary educational  
 413 institution within the state is contingent upon the passing of  
 414 the written examination required by s. 1012.56 by at least 90  
 415 percent of the graduates of the program who take the  
 416 examination. The Department of Education shall annually provide  
 417 an analysis of the performance of the graduates of such  
 418 institution with respect to the competencies assessed by the  
 419 examination required by s. 1012.56.

420           (c) ~~(b)~~ Additional criteria for continued program approval  
 421 for public institutions may be approved by the State Board of  
 422 Education. Such criteria must emphasize instruction in classroom  
 423 management and must provide for the evaluation of the teacher  
 424 candidates' performance in this area. The criteria shall also  
 425 require instruction in working with underachieving students.  
 426 Program evaluation procedures must include, but are not limited  
 427 to, program graduates' satisfaction with instruction and the  
 428 program's responsiveness to local school districts. Additional  
 429 criteria for continued program approval for nonpublic  
 430 institutions shall be developed in the same manner as for public  
 431 institutions; however, such criteria must be based upon  
 432 significant, objective, and quantifiable graduate performance  
 433 measures. Responsibility for collecting data on outcome measures  
 434 through survey instruments and other appropriate means shall be  
 435 shared by the postsecondary educational institutions and the  
 436 Department of Education. By January 1 of each year, the  
 437 Department of Education shall report this information for each  
 438 postsecondary educational institution that has state-approved  
 439 programs of teacher education to the Governor, the State Board  
 440 of Education, the Board of Governors, the Commissioner of  
 441 Education, the President of the Senate, the Speaker of the House  
 442 of Representatives, all Florida postsecondary teacher  
 443 preparation programs, and interested members of the public. This  
 444 report must analyze the data and make recommendations for  
 445 improving teacher preparation programs in the state.

446           (d) ~~(e)~~ Continued approval for a teacher preparation  
 447 program is contingent upon the results of periodic reviews, on a



448 | schedule established by the State Board of Education, of the  
 449 | program conducted by the postsecondary educational institution,  
 450 | using procedures and criteria outlined in an institutional  
 451 | program evaluation plan approved by the Department of Education,  
 452 | which must include the program's review of and response to the  
 453 | effect of its candidates and graduates on K-12 student learning.  
 454 | This plan must also incorporate and respond to the criteria  
 455 | established in paragraphs ~~(a) and~~ (b) and (c) and include  
 456 | provisions for involving primary stakeholders, such as program  
 457 | graduates, district school personnel, classroom teachers,  
 458 | principals, community agencies, and business representatives in  
 459 | the evaluation process. Upon request by an institution, the  
 460 | department shall provide assistance in developing, enhancing, or  
 461 | reviewing the institutional program evaluation plan and training  
 462 | evaluation team members.

463 | (e) ~~(d)~~ Continued approval for a teacher preparation  
 464 | program is contingent upon standards being in place that are  
 465 | designed to adequately prepare elementary, middle, and high  
 466 | school teachers to instruct their students in reading and  
 467 | higher-level mathematics concepts and in the use of technology  
 468 | at the appropriate grade level.

469 | (f) ~~(e)~~ Continued approval of teacher preparation programs  
 470 | is contingent upon compliance with the student admission  
 471 | requirements of subsection (4) ~~and upon the receipt of at least~~  
 472 | ~~a satisfactory rating from public schools and private schools~~  
 473 | ~~that employ graduates of the program.~~ Each teacher preparation  
 474 | program shall guarantee the high quality of its graduates during  
 475 | the first 2 years immediately following graduation from the

476 program or following the graduate's initial certification,  
 477 whichever occurs first. Any educator in a Florida school who  
 478 fails to demonstrate student learning gains ~~the essential skills~~  
 479 as specified in paragraph (a) ~~subparagraphs 1.-5.~~ shall be  
 480 provided additional training by the teacher preparation program  
 481 at no expense to the educator or the employer. Such training  
 482 must consist of an individualized plan agreed upon by the school  
 483 district and the postsecondary educational institution that  
 484 includes specific learning outcomes. The postsecondary  
 485 educational institution assumes no responsibility for the  
 486 educator's employment contract with the employer. ~~Employer~~  
 487 ~~satisfaction shall be determined by an annually administered~~  
 488 ~~survey instrument approved by the Department of Education that,~~  
 489 ~~at a minimum, must include employer satisfaction of the~~  
 490 ~~graduates' ability to do the following:~~

- 491 ~~1. Write and speak in a logical and understandable style~~  
 492 ~~with appropriate grammar.~~
- 493 ~~2. Recognize signs of students' difficulty with the~~  
 494 ~~reading and computational process and apply appropriate measures~~  
 495 ~~to improve students' reading and computational performance.~~
- 496 ~~3. Use and integrate appropriate technology in teaching~~  
 497 ~~and learning processes.~~
- 498 ~~4. Demonstrate knowledge and understanding of Sunshine~~  
 499 ~~State Standards.~~
- 500 ~~5. Maintain an orderly and disciplined classroom conducive~~  
 501 ~~to student learning.~~

502 (g) ~~(f)~~1. Each Florida public and private institution that  
 503 offers a state-approved teacher preparation program must

504 annually report information regarding these programs to the  
 505 state and the general public. This information shall be reported  
 506 in a uniform and comprehensible manner that is consistent with  
 507 definitions and methods approved by the Commissioner of the  
 508 National Center for Educational Statistics and that is approved  
 509 by the State Board of Education. This information must include,  
 510 at a minimum:

511 a. The percent of graduates obtaining full-time teaching  
 512 employment within the first year of graduation.

513 b. The average length of stay of graduates in their full-  
 514 time teaching positions.

515 c. The percentage of graduates whose students achieved  
 516 learning gains, as specified in paragraph (a). For purposes of  
 517 this paragraph, the information shall include the percentage of  
 518 the students taught per graduate who achieved learning gains.  
 519 ~~Satisfaction ratings required in paragraph (e).~~

520 2. Each public and private institution offering training  
 521 for school readiness related professions, including training in  
 522 the fields of child care and early childhood education, whether  
 523 offering career credit, associate in applied science degree  
 524 programs, associate in science degree programs, or associate in  
 525 arts degree programs, shall annually report information  
 526 regarding these programs to the state and the general public in  
 527 a uniform and comprehensible manner that conforms with  
 528 definitions and methods approved by the State Board of  
 529 Education. This information must include, at a minimum:

530 a. Average length of stay of graduates in their teaching  
 531 positions.

532           b. The percent of graduates obtaining full-time teaching  
 533 employment within the first year of graduation. ~~Satisfaction~~  
 534 ~~ratings of graduates' employers.~~

535

536 This information shall be reported through publications,  
 537 including college and university catalogs and promotional  
 538 materials sent to potential applicants, secondary school  
 539 guidance counselors, and prospective employers of the  
 540 institution's program graduates.

541           (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary  
 542 instructors, school district personnel and instructional  
 543 personnel, and school sites preparing instructional personnel  
 544 through preservice field experience courses and internships  
 545 shall meet special requirements. District school boards are  
 546 authorized to pay student teachers during their internships.

547           (a) All instructors in postsecondary teacher preparation  
 548 programs who instruct or supervise preservice field experiences,  
 549 preservice experience ~~experience~~ courses, or internships shall have at  
 550 least one of the following: specialized training in clinical  
 551 supervision; a valid professional teaching certificate issued  
 552 under ~~pursuant to~~ ss. 1012.56 and 1012.585; or at least 3 years  
 553 of successful teaching experience in prekindergarten through  
 554 grade 12.

555           (b) All school district personnel and instructional  
 556 personnel who supervise or direct teacher preparation students  
 557 during field experience courses or internships must have  
 558 evidence of "clinical educator" training and must successfully  
 559 demonstrate effective classroom management strategies that

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560 consistently result in improved student performance. The State  
561 Board of Education shall approve the training requirements.

562 (c) Preservice field experience programs must provide for  
563 continuous student participation in K-12 classroom settings with  
564 supervised instruction of K-12 students. All preservice field  
565 experience programs must provide specific guidance and  
566 demonstration of effective classroom management strategies,  
567 strategies for incorporating technology into classroom  
568 instruction, strategies for incorporating scientifically  
569 researched, knowledge-based reading literacy and computational  
570 skills acquisition into classroom instruction, and ways to link  
571 instructional plans to the Sunshine State Standards, as  
572 appropriate. The length of structured field experiences may be  
573 extended to ensure that candidates achieve the competencies  
574 needed to meet certification requirements.

575 (d) Postsecondary teacher preparation programs, in  
576 consultation ~~cooperation~~ with district school boards and  
577 approved private school associations, shall select the school  
578 sites for preservice field experience activities based on the  
579 instructional skills of the instructor or supervisor with whom  
580 the teaching candidate is placed, as demonstrated by the  
581 instructor's or supervisor's sustained student learning gains as  
582 specified in paragraph (5) (a). ~~These sites must represent the~~  
583 ~~full spectrum of school communities, including, but not limited~~  
584 ~~to, schools located in urban settings.~~ In order to be selected,  
585 school sites must demonstrate commitment to the education of  
586 public school students and to the preparation of future  
587 teachers.

588 Section 9. Subsections (11) and (12) of section 1004.04,  
 589 Florida Statutes, are repealed.

590 Section 10. Paragraph (b) of subsection (3) and  
 591 subsections (4) and (5) of section 1004.85, Florida Statutes,  
 592 are amended to read:

593 1004.85 Postsecondary educator preparation institutes.—

594 (3) Educator preparation institutes approved pursuant to  
 595 this section may offer alternative certification programs  
 596 specifically designed for noneducation major baccalaureate  
 597 degree holders to enable program participants to meet the  
 598 educator certification requirements of s. 1012.56. Such programs  
 599 shall be competency-based educator certification preparation  
 600 programs that prepare educators through an alternative route. An  
 601 educator preparation institute choosing to offer an alternative  
 602 certification program pursuant to the provisions of this section  
 603 must implement a program previously approved by the Department  
 604 of Education for this purpose or a program developed by the  
 605 institute and approved by the department for this purpose.  
 606 Approved programs shall be available for use by other approved  
 607 educator preparation institutes.

608 (b) Each program participant must:

609 1. Meet certification requirements pursuant to s.  
 610 1012.56(1) and (2) by obtaining a statement of status of  
 611 eligibility prior to admission into the program which indicates  
 612 eligibility for a temporary certificate in a teaching subject  
 613 and meet the requirements of s. 1012.56(2) (a)-(f).

614 2. Participate in field experience that is appropriate to  
 615 his or her educational plan.

616           3. Demonstrate mastery of general knowledge by one of the  
 617 options provided in s. 1012.56(3) prior to completion of the  
 618 program.

619           ~~4.3.~~ Fully demonstrate his or her ability to teach the  
 620 subject area for which he or she is seeking certification  
 621 through field experiences and by achievement of a passing score  
 622 on the corresponding subject area test prior to completion of  
 623 the program and demonstrate mastery of professional preparation  
 624 and education competence by achievement of a passing score on  
 625 the professional education competency examination required by  
 626 state board rule prior to completion of the program.

627           (4) Each alternative certification program institute  
 628 approved pursuant to this section shall submit to the Department  
 629 of Education annual performance evaluations that measure the  
 630 effectiveness of the programs, including the pass rates of  
 631 participants on all examinations required for teacher  
 632 certification, employment rates, longitudinal retention rates,  
 633 and a review of the impact that participants who have completed  
 634 the program have on K-12 student learning and employer  
 635 satisfaction surveys. ~~The employer satisfaction surveys must be~~  
 636 ~~designed to measure the sufficient preparation of the educator~~  
 637 ~~to enter the classroom.~~ These evaluations and evidence of  
 638 student learning gains, as measured by state assessments  
 639 required under s. 1008.22, shall be used by the Department of  
 640 Education for purposes of continued approval of an educator  
 641 preparation institute's alternative certification program.

642           (5) Instructors for an alternative certification program  
 643 approved pursuant to this section must meet the requirements of

644 ~~s. 1004.04(6) possess a master's degree in education or a~~  
 645 ~~master's degree in an appropriate related field and document~~  
 646 ~~teaching experience.~~

647 Section 11. Section 1008.222, Florida Statutes, is created  
 648 to read:

649 1008.222 Development and implementation of end-of-course  
 650 assessments of certain subject areas and grade levels.—

651 (1) Each school district must develop or acquire a valid  
 652 and reliable end-of-course assessment for each subject area and  
 653 grade level not measured by state assessments required under s.  
 654 1008.22 or by examinations in AP, IB, AICE, or a national  
 655 industry certification identified in the Industry Certification  
 656 Funding List pursuant to rules adopted by the State Board of  
 657 Education. The content, knowledge, and skills assessed by end-  
 658 of-course assessments for each school district must be aligned  
 659 to the core curricular content established in the Sunshine State  
 660 Standards.

661 (2) (a) Beginning with the 2013-2014 school year, each  
 662 school district must require that each school in the district  
 663 administer the district's standard assessment for each subject  
 664 area or grade level, as described in subsection (1).

665 (b) Each district school superintendent must ensure that  
 666 teachers who provide instruction in the same subject or grade  
 667 level administer the same end-of-course assessment, as described  
 668 in subsection (1). Each school district must adopt policies to  
 669 ensure standardized administration and security of the  
 670 assessments.

671 (c) Each district school superintendent is responsible for



672 implementing standardized assessment security and  
 673 administration, the reporting of assessment results, and using  
 674 assessment results to comply with provisions of ss.  
 675 1012.22(1)(c) and 1012.34. The district school superintendent  
 676 shall certify to the Commissioner of Education that the security  
 677 of a standardized assessment required under this section is  
 678 maintained. If a district school superintendent's certification  
 679 is determined to be invalid through an audit by the Auditor  
 680 General or an investigation by the Department of Education, the  
 681 superintendent is subject to suspension and removal on the  
 682 grounds of misfeasance pursuant to s. 7, Art. IV of the State  
 683 Constitution.

684 (d) The Commissioner of Education shall identify methods  
 685 to assist and support districts in the development and  
 686 acquisition of assessments required under this section. Methods  
 687 may include the development of item banks, facilitation of the  
 688 sharing of developed tests among districts, and technical  
 689 assistance in best professional practices of test development  
 690 based on state-adopted curriculum standards, administration, and  
 691 security.

692 Section 12. Paragraph (a) of subsection (1) of section  
 693 1009.40, Florida Statutes, is amended to read:

694 1009.40 General requirements for student eligibility for  
 695 state financial aid awards and tuition assistance grants.—

696 (1)(a) The general requirements for eligibility of  
 697 students for state financial aid awards and tuition assistance  
 698 grants consist of the following:

699 1. Achievement of the academic requirements of and

700 acceptance at a state university or community college; a nursing  
 701 diploma school approved by the Florida Board of Nursing; a  
 702 Florida college, university, or community college which is  
 703 accredited by an accrediting agency recognized by the State  
 704 Board of Education; any Florida institution the credits of which  
 705 are acceptable for transfer to state universities; any career  
 706 center; or any private career institution accredited by an  
 707 accrediting agency recognized by the State Board of Education.

708 2. Residency in this state for no less than 1 year  
 709 preceding the award of aid or a tuition assistance grant for a  
 710 program established pursuant to s. 1009.50, s. 1009.505, s.  
 711 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
 712 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
 713 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.  
 714 Residency in this state must be for purposes other than to  
 715 obtain an education. Resident status for purposes of receiving  
 716 state financial aid awards shall be determined in the same  
 717 manner as resident status for tuition purposes pursuant to s.  
 718 1009.21.

719 3. Submission of certification attesting to the accuracy,  
 720 completeness, and correctness of information provided to  
 721 demonstrate a student's eligibility to receive state financial  
 722 aid awards or tuition assistance grants. Falsification of such  
 723 information shall result in the denial of any pending  
 724 application and revocation of any award or grant currently held  
 725 to the extent that no further payments shall be made.  
 726 Additionally, students who knowingly make false statements in  
 727 order to receive state financial aid awards or tuition

728 assistance grants commit a misdemeanor of the second degree  
 729 subject to the provisions of s. 837.06 and shall be required to  
 730 return all state financial aid awards or tuition assistance  
 731 grants wrongfully obtained.

732 Section 13. Section 1009.54, Florida Statutes, is  
 733 repealed.

734 Section 14. Section 1009.57, Florida Statutes, is  
 735 repealed.

736 Section 15. Section 1009.58, Florida Statutes, is  
 737 repealed.

738 Section 16. Section 1009.59, Florida Statutes, is  
 739 repealed.

740 Section 17. Paragraph (c) of subsection (2) of section  
 741 1009.94, Florida Statutes, is amended to read:

742 1009.94 Student financial assistance database.—

743 (2) For purposes of this section, financial assistance  
 744 includes:

745 (c) Any financial assistance provided under s. 1009.50, s.  
 746 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
 747 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.  
 748 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.  
 749 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

750 Section 18. Section 1011.626, Florida Statutes, is created  
 751 to read:

752 1011.626 Performance Fund for Instructional Personnel and  
 753 School-Based Administrators.—

754 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
 755 to ensure that every student has a high-quality teacher in his

756 or her classroom. The Legislature intends, therefore, to hold  
 757 school districts accountable for demonstrably increasing student  
 758 achievement.

759 (2) FINDINGS.—The Legislature finds that:

760 (a) Quality classroom teachers and school-based  
 761 administrators are the single greatest indicators of student  
 762 achievement.

763 (b) A school district that fails to reward quality  
 764 classroom teachers or school-based administrators on the  
 765 performance of their students, and instead rewards these  
 766 individuals, in whole or in part, based on the number of years  
 767 worked or degrees held, has violated s. 1012.22(1)(c). A school  
 768 district's failure to comply with s. 1012.22(1)(c) fails to  
 769 maximize student learning by not providing the appropriate  
 770 incentives to attract and retain quality classroom teachers and  
 771 school-based administrators. As a result, students are penalized  
 772 for the acts or omissions of district school boards or district  
 773 school superintendents.

774 (c) A school district that fails to adopt and implement  
 775 end-of-course assessments that comply with s. 1008.222  
 776 frustrates the purpose of ensuring that each student has a high-  
 777 quality teacher in his or her classroom by preventing the  
 778 determination of the quality of a classroom teacher's or school-  
 779 based administrator's performance.

780 (d) A school district that fails to comply with s.  
 781 1012.335 frustrates the purpose of ensuring that each student  
 782 has a high-quality teacher in his or her classroom by preventing  
 783 the school district from promptly removing a poor-performing

784 classroom teacher from the classroom and employment.

785 (3) PERFORMANCE FUND.—Effective with the beginning of the  
 786 2011-2012 year and each year thereafter, the Performance Fund  
 787 for Instructional Personnel and School-Based Administrators is  
 788 established.

789 (4) CALCULATION OF THE FUND.—The Commissioner of Education  
 790 shall calculate for the second calculation for each district and  
 791 charter school an amount of state funds equivalent to 5 percent  
 792 of the total state, local, and federal funding determined by the  
 793 Florida Education Finance Program under ss. 1011.62, 1011.685,  
 794 and 1011.71(1) and (3). Such funds shall be designated as each  
 795 district's and charter school's annual Performance Fund for  
 796 Instructional Personnel and School-Based Administrators.

797 (5) DISTRIBUTION OF THE FUND.—

798 (a) The commissioner shall distribute these funds in  
 799 accordance with the provisions of s. 1011.62(12) to a district  
 800 for the implementation of a salary schedule adopted by the  
 801 district school board pursuant to s. 1012.22, implementation of  
 802 a performance appraisal system pursuant to s. 1012.34, and the  
 803 development of end-of-course assessments pursuant to s.  
 804 1008.222. The funds may not be used to increase the base  
 805 salaries or salary adjustments of employees rated as  
 806 unsatisfactory or needs improvement pursuant to s. 1012.34.

807 (b) If funds remain in a district's Performance Fund for  
 808 Instructional Personnel and School-Based Administrators after  
 809 the end-of-course assessments in s. 1008.222, performance  
 810 appraisal system requirements in s. 1012.34, and salary schedule  
 811 requirements in s. 1012.22 have been met, the balance may be

812 used by the district for the same purpose as funds provided  
 813 pursuant to s. 1011.62(1)(t). Any funds remaining in a  
 814 district's fund at the end of the state fiscal year shall revert  
 815 to the fund from which they were appropriated.

816 (c) A salary increase awarded from these funds shall be  
 817 awarded in addition to any general increase or other adjustments  
 818 to salaries which are made by a school district. An employee's  
 819 eligibility for or receipt of a salary increase shall not  
 820 adversely affect that employee's opportunity to qualify for or  
 821 to receive any other compensation that is made generally  
 822 available to other similarly situated district school board  
 823 employees.

824 (d) Each district shall annually set aside sufficient  
 825 federal grant funds to ensure that the policies described in  
 826 this section are equally applied to eligible individuals paid  
 827 from federal grants.

828 (6) REVIEW.—

829 (a) Beginning with the 2014-2015 fiscal year and each  
 830 fiscal year thereafter, each district school board must submit  
 831 the district-adopted salary schedule for the school year and  
 832 supporting documentation to the commissioner for review on or  
 833 before October 1 of each year. On or before December 15 of each  
 834 year, the commissioner shall complete a review of each salary  
 835 schedule submitted for that school year, determine compliance  
 836 with s. 1012.22(1)(c), and notify a district school board if the  
 837 district salary schedule fails to meet the requirements in s.  
 838 1012.22(1)(c). The commissioner shall certify those school  
 839 districts that do not comply with s. 1012.22(1)(c) to the

840 Governor, the President of the Senate, and the Speaker of the  
 841 House of Representatives on or before February 15 of each year.

842 (b) Beginning with the 2013-2014 fiscal year and  
 843 thereafter, the commissioner shall select a sampling of school  
 844 district end-of-course assessments from multiple districts, and  
 845 school districts must submit for review the requested  
 846 assessments and supporting documentation on or before October 1  
 847 of each year. A school district that fails to provide the  
 848 requested assessment to the commissioner on or before October 1  
 849 of each year is in violation of s. 1008.222. On or before  
 850 December 15 of each year, the commissioner shall complete a  
 851 review of each selected assessment, determine compliance with s.  
 852 1008.222, and notify a district school board if the selected  
 853 assessment fails to meet the requirements in s. 1008.222. The  
 854 commissioner shall certify those school districts that do not  
 855 comply with s. 1008.222 to the Governor, the President of the  
 856 Senate, and the Speaker of the House of Representatives on or  
 857 before February 15 of each year.

858 (c) In the financial audit of each school district,  
 859 performed by either the Auditor General or an independent  
 860 certified public accountant in accordance with s. 218.39, the  
 861 auditor shall review a sample of classroom teacher contracts and  
 862 determine compliance with s. 1012.335. The sample shall be  
 863 selected in accordance with guidelines established by the  
 864 American Institute of Certified Public Accountants. The auditor  
 865 shall document violations of s. 1012.335 and provide the  
 866 documentation to the Commissioner of Education on or before  
 867 October 1 of each year following the audit. On or before

868 December 15 of each year, the commissioner shall notify the  
 869 Governor, the President of the Senate, the Speaker of the House  
 870 of Representatives, and each school district identified in the  
 871 audit that has not complied with s. 1012.335.

872 (7) FUNDING ADJUSTMENT.—A school district that is  
 873 certified by the commissioner as not in compliance with the law  
 874 as described in paragraph (6) (a), paragraph (6) (b), or paragraph  
 875 (6) (c) shall receive a funding adjustment equal to the amount  
 876 calculated in subsection (4). Such funding adjustment shall be  
 877 implemented through the withholding of undistributed funds to  
 878 which the district is otherwise entitled. To the extent a  
 879 district's undistributed funds are insufficient to fully satisfy  
 880 the funding adjustment, the unsatisfied balance shall be  
 881 withheld from the district's operating funds for the subsequent  
 882 fiscal year in the form of a prior year adjustment.

883 (8) RULEMAKING.—The State Board of Education shall adopt  
 884 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
 885 section. Such rules shall include the documentation requirements  
 886 for districts, processes and criteria used for determining  
 887 whether the salary schedule, performance appraisal system, and  
 888 end-of-course assessments comply with this section, and the  
 889 reporting and monitoring processes that will be used to ensure  
 890 compliance with the use of funds distributed under paragraph  
 891 (5) (a).

892 Section 19. Subsection (2) of section 1011.69, Florida  
 893 Statutes, is amended to read:

894 1011.69 Equity in School-Level Funding Act.—



895 (2) Beginning in the 2003-2004 fiscal year, district  
 896 school boards shall allocate to schools within the district an  
 897 average of 90 percent of the funds generated by all schools and  
 898 guarantee that each school receives at least 80 percent of the  
 899 funds generated by that school based upon the Florida Education  
 900 Finance Program as provided in s. 1011.62 and the General  
 901 Appropriations Act, including gross state and local funds,  
 902 discretionary lottery funds, and funds from the school  
 903 district's current operating discretionary millage levy. Total  
 904 funding for each school shall be recalculated during the year to  
 905 reflect the revised calculations under the Florida Education  
 906 Finance Program by the state and the actual weighted full-time  
 907 equivalent students reported by the school during the full-time  
 908 equivalent student survey periods designated by the Commissioner  
 909 of Education. If the district school board is providing programs  
 910 or services to students funded by federal funds, any eligible  
 911 students enrolled in the schools in the district shall be  
 912 provided federal funds. ~~Only academic performance-based charter~~  
 913 ~~school districts, pursuant to s. 1003.62, are exempt from the~~  
 914 ~~provisions of this section.~~

915 Section 20. Subsection (4) of section 1012.05, Florida  
 916 Statutes, is amended to read:

917 1012.05 Teacher recruitment and retention.—

918 (4) The Department of Education, in cooperation with  
 919 district personnel offices, may shall sponsor virtual job fairs  
 920 ~~a job fair in a central part of the state~~ to match high-quality,  
 921 ~~in-state educators and potential educators~~ and out-of-state  
 922 educators and potential educators with teaching opportunities in

923 | this state. The Department of Education is authorized to collect  
 924 | a job fair registration fee not to exceed ~~\$20 per person and a~~  
 925 | ~~booth fee not to exceed~~ \$250 per school district or other  
 926 | interested participating organization. The revenue from the fees  
 927 | shall be used to promote and operate the job fair. Funds may be  
 928 | used to purchase promotional items ~~such as mementos, awards, and~~  
 929 | ~~plaques.~~

930 | Section 21. Section 1012.07, Florida Statutes, is amended  
 931 | to read:

932 | 1012.07 Identification of critical teacher shortage  
 933 | areas.—

934 | ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~  
 935 | "critical teacher shortage area" means high-need content areas  
 936 | ~~applies to mathematics, science, career education, and high-~~  
 937 | priority high priority location areas identified by. the State  
 938 | Board of Education ~~may identify career education programs having~~  
 939 | ~~critical teacher shortages.~~ The State Board of Education shall  
 940 | adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
 941 | annually identify ~~other~~ critical teacher shortage areas ~~and high~~  
 942 | ~~priority location areas.~~ The state board must ~~shall~~ also  
 943 | consider current and emerging educational requirements and  
 944 | workforce demands ~~teacher characteristics such as ethnic~~  
 945 | ~~background, race, and sex~~ in determining critical teacher  
 946 | shortage areas. School grade levels may also be designated  
 947 | critical teacher shortage areas. Individual district school  
 948 | boards may identify and submit other critical teacher shortage  
 949 | areas. Such submissions ~~shortages~~ must be aligned to current and  
 950 | emerging educational requirements and workforce demands in order

951 ~~to be certified to and~~ approved by the State Board of Education.  
 952 High-priority ~~High priority~~ location areas shall be in high-  
 953 density, low-economic urban schools, ~~and~~ low-density, low-  
 954 economic rural schools, ~~and~~ schools identified as lowest  
 955 performing under s. 1008.33(4)(b) ~~shall include schools which~~  
 956 ~~meet criteria which include, but are not limited to, the~~  
 957 ~~percentage of free lunches, the percentage of students under~~  
 958 ~~Chapter I of the Education Consolidation and Improvement Act of~~  
 959 ~~1981, and the faculty attrition rate.~~

960 ~~(2) This section shall be implemented only to the extent~~  
 961 ~~as specifically funded and authorized by law.~~

962 Section 22. Effective July 1, 2014, paragraph (c) of  
 963 subsection (1) of section 1012.22, Florida Statutes, is amended  
 964 to read:

965 1012.22 Public school personnel; powers and duties of the  
 966 district school board.—The district school board shall:

967 (1) Designate positions to be filled, prescribe  
 968 qualifications for those positions, and provide for the  
 969 appointment, compensation, promotion, suspension, and dismissal  
 970 of employees as follows, subject to the requirements of this  
 971 chapter:

972 (c) *Compensation and salary schedules.*—

973 1.a. As provided in this paragraph, the district school  
 974 board shall adopt a salary schedule that compensates employees  
 975 based on their performance. ~~The district school board shall~~  
 976 ~~adopt a salary schedule or salary schedules designed to furnish~~  
 977 ~~incentives for improvement in training and for continued~~  
 978 ~~efficient service to be used as a basis for paying all school~~

979 ~~employees and fix and authorize the compensation of school~~  
 980 ~~employees on the basis thereof.~~

981 b.2. A district school board, in determining the salary  
 982 adjustments ~~schedule~~ for instructional personnel and school-  
 983 based administrators, must base a ~~portion of~~ each employee's  
 984 adjustment only compensation on performance demonstrated under  
 985 s. 1012.34, ~~must consider the prior teaching experience of a~~  
 986 ~~person who has been designated state teacher of the year by any~~  
 987 ~~state in the United States, and must consider prior professional~~  
 988 ~~experience in the field of education gained in positions in~~  
 989 ~~addition to district level instructional and administrative~~  
 990 ~~positions.~~

991 c.3. In developing the salary schedule, the district  
 992 school board shall seek input from parents, teachers, and  
 993 representatives of the business community.

994 2.4. ~~Beginning with the 2007-2008 academic year,~~ Each  
 995 district school board shall adopt a salary adjustment for  
 996 ~~schedule with~~ differentiated pay for both instructional  
 997 personnel and school-based administrators. ~~The salary schedule~~  
 998 ~~is subject to negotiation as provided in chapter 447 and must~~  
 999 ~~allow differentiated pay based on~~ the following:

1000 a. Assignment to a school in a high-priority location  
 1001 area, as defined in State Board of Education rule, with  
 1002 continued differentiated pay contingent upon documentation of  
 1003 performance under s. 1012.34;

1004 b. Certification and teaching in critical teacher shortage  
 1005 areas, as defined in State Board of Education rule, with  
 1006 continued differentiated pay contingent upon documentation of

1007 performance under s. 1012.34; and  
 1008 c. Assignment of additional academic responsibilities,  
 1009 with continued differentiated pay contingent upon documentation  
 1010 of performance under s. 1012.34.  
 1011 3. A district school board shall adopt a salary schedule  
 1012 for beginning and renewing teachers as follows:  
 1013 a. A beginning teacher. For purposes of this sub-  
 1014 subparagraph, the term "beginning teacher" is a classroom  
 1015 teacher as defined in s. 1012.01(2)(a), excluding a substitute  
 1016 teacher, who has no prior K-12 teaching experience.  
 1017 b. A teacher who holds a valid professional standard  
 1018 certificate issued by another state and who is hired by the  
 1019 district school board.  
 1020 c. A teacher who holds a valid professional certificate  
 1021 issued pursuant to s. 1012.56, who has not taught in the  
 1022 classroom at any time during the previous certification period,  
 1023 and who is hired by the district school board.  
 1024 4. The salary schedule in subparagraph 3. shall be in  
 1025 effect only for the first year that the teacher provides  
 1026 instruction in a Florida K-12 classroom. A district school board  
 1027 may not use length of service or degrees held as a factor in  
 1028 setting a salary schedule ~~district-determined factors,~~  
 1029 ~~including, but not limited to, additional responsibilities,~~  
 1030 ~~school demographics, critical shortage areas, and level of job~~  
 1031 ~~performance difficulties.~~  
 1032 Section 23. Section 1012.225, Florida Statutes, is  
 1033 repealed.

1034 Section 24. Section 1012.2251, Florida Statutes, is  
 1035 repealed.

1036 Section 25. Subsection (5) of section 1012.33, Florida  
 1037 Statutes, is amended to read:

1038 1012.33 Contracts with instructional staff, supervisors,  
 1039 and school principals.—

1040 (5) Should a district school board have to choose from  
 1041 among its personnel who are on continuing contracts or  
 1042 professional service contracts as to which should be retained,  
 1043 such decisions shall be based primarily upon the employee's  
 1044 performance as provided in s. 1012.34 ~~made pursuant to the terms~~  
 1045 ~~of a collectively bargained agreement, when one exists. If no~~  
 1046 ~~such agreement exists, the district school board shall prescribe~~  
 1047 ~~rules to handle reductions in workforce.~~

1048 Section 26. Section 1012.335, Florida Statutes, is created  
 1049 to read:

1050 1012.335 Contracts with classroom teachers hired on or  
 1051 after July 1, 2010.—

1052 (1) DEFINITIONS.—As used in this section, the term:

1053 (a) "Annual contract" means a contract for a period of no  
 1054 longer than 1 school year in which the district school board may  
 1055 choose to renew or not renew without cause.

1056 (b) "Classroom teacher" means a classroom teacher as  
 1057 defined in s. 1012.01(2) (a), excluding substitute teachers.

1058 (c) "Probationary contract" means a contract for a period  
 1059 of no longer than 1 school year during which a classroom teacher  
 1060 may be dismissed without cause or may resign from the  
 1061 contractual position without breach of contract.

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(2) EMPLOYMENT.—  
(a) Beginning July 1, 2010, each person newly hired as a classroom teacher by a school district shall receive a probationary contract.  
(b) A classroom teacher may receive up to four annual contracts in a school district in this state if the teacher:  
1. Holds a professional certificate as prescribed by s. 1012.56 and in the rules of the State Board of Education; and  
2. Has been recommended by the district school superintendent for the annual contract and approved by the district school board.  
(c) A classroom teacher may not receive an annual contract for the 6th year of teaching and thereafter unless the classroom teacher:  
1. Holds a professional certificate as prescribed by s. 1012.56 and in the rules of the State Board of Education;  
2. Has been recommended by the district school superintendent for the annual contract and approved by the district school board; and  
3. Has received an effective or highly effective designation on his or her appraisal pursuant to s. 1012.34 in at least 2 of the 3 preceding years for each year an annual contract is sought.  
(3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL CONTRACT.—A classroom teacher who has an annual contract may be suspended or dismissed at any time during the term of the contract for just cause as provided in subsection (4). The district school board must notify a classroom teacher in writing

1090 whenever charges are made against the classroom teacher, and the  
 1091 district school board may suspend him or her without pay.  
 1092 However, if the charges are not sustained, the classroom teacher  
 1093 shall be immediately reinstated and his or her back pay shall be  
 1094 paid.

1095 (4) JUST CAUSE.—The State Board of Education shall adopt  
 1096 rules to define the term "just cause." Just cause includes, but  
 1097 is not limited to:

1098 (a) Immorality.

1099 (b) Misconduct in office.

1100 (c) Incompetency.

1101 (d) Gross insubordination.

1102 (e) Willful neglect of duty.

1103 (f) Being convicted or found guilty of, or entering a plea  
 1104 of guilty to, regardless of adjudication of guilt, any crime  
 1105 involving moral turpitude.

1106 (g) Poor performance as demonstrated by a lack of student  
 1107 learning gains, as specified in s. 1012.34.

1108 Section 27. Section 1012.34, Florida Statutes, is amended  
 1109 to read:

1110 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1111 (1) For the purpose of increasing student achievement by  
 1112 improving the quality of instructional, administrative, and  
 1113 supervisory services in the public schools of the state, the  
 1114 district school superintendent shall establish procedures for  
 1115 evaluating ~~assessing~~ the performance of duties and  
 1116 responsibilities of all instructional, administrative, and  
 1117 supervisory personnel employed by the school district. The



1118 Department of Education must approve each district's  
 1119 instructional personnel appraisal ~~assessment~~ system and  
 1120 appraisal instruments. The Department of Education must approve  
 1121 each school-based administrator appraisal system and appraisal  
 1122 instruments. The department shall collect from each school  
 1123 district the annual performance ratings of all instructional and  
 1124 school-based administrative personnel and report the percentage  
 1125 of each of these employees receiving each rating category by  
 1126 school and by district to the Governor, the President of the  
 1127 Senate, and the Speaker of the House of Representatives.

1128 (2) The following conditions must be considered in the  
 1129 design of the district's instructional personnel appraisal  
 1130 ~~assessment~~ system:

1131 (a) The system must be designed to support high-quality  
 1132 instruction and increased academic achievement ~~district and~~  
 1133 ~~school level improvement plans.~~

1134 (b) The system must provide appropriate appraisal  
 1135 instruments, procedures, and criteria for continuous quality  
 1136 improvement of the professional skills of instructional  
 1137 personnel.

1138 (c) The system must include a mechanism to examine  
 1139 performance data from multiple sources, which includes giving  
 1140 ~~give~~ parents an opportunity to provide input into employee  
 1141 performance appraisals ~~assessments when appropriate.~~

1142 (d) In addition to addressing generic teaching  
 1143 competencies, districts must determine those teaching fields for  
 1144 which special procedures and criteria will be developed.

1145 (e) Each district school board may establish a peer

1146 assistance process. The plan may provide a mechanism for  
 1147 assistance of persons who are placed on performance probation as  
 1148 well as offer assistance to other employees who request it.

1149 (f) Each ~~The~~ district school board shall provide training  
 1150 programs that are based upon guidelines provided by the  
 1151 Department of Education to ensure that all individuals with  
 1152 evaluation responsibilities understand the proper use of the  
 1153 appraisal ~~assessment~~ criteria and procedures.

1154 (g) The system must differentiate among four levels of  
 1155 performance: unsatisfactory, needs improvement, effective, and  
 1156 highly effective. The Commissioner of Education shall consult  
 1157 with performance pay experts and classroom teachers in  
 1158 developing the performance levels. Beginning with the 2014-2015  
 1159 school year and thereafter, instructional personnel and school-  
 1160 based administrators may not be rated as effective or highly  
 1161 effective if their students fail to demonstrate learning gains.

1162 (h) The system must include a process for monitoring the  
 1163 effective and consistent use of appraisal criteria by  
 1164 supervisors and administrators and a process for evaluating the  
 1165 effectiveness of the system itself in improving the level of  
 1166 instruction and learning in the district's schools.

1167 (3) The appraisal ~~assessment~~ procedure for instructional  
 1168 personnel and school administrators must be ~~primarily~~ based on  
 1169 the performance of students assigned to their classrooms or  
 1170 schools, as described in paragraph (a) ~~appropriate~~. Pursuant to  
 1171 ~~this section~~, A school district's performance appraisal  
 1172 ~~assessment~~ is not limited to basing unsatisfactory performance  
 1173 of instructional personnel and school administrators upon

1174 student performance, but may include other criteria approved to  
 1175 evaluate ~~assess~~ instructional personnel and school  
 1176 administrators' performance, or any combination of student  
 1177 performance and other approved criteria. The procedures must  
 1178 comply with, but are not limited to, the following requirements:

1179 (a) An appraisal ~~assessment~~ must be conducted for each  
 1180 employee at least once a year, except that an appraisal for each  
 1181 teacher, as described in s. 1012.22(1)(c)3., must be conducted  
 1182 at least twice a year. ~~The assessment must be based upon sound~~  
 1183 ~~educational principles and contemporary research in effective~~  
 1184 ~~educational practices. The assessment must primarily use data~~  
 1185 ~~and indicators of improvement in student performance assessed~~  
 1186 ~~annually as specified in s. 1008.22 and may consider results of~~  
 1187 ~~peer reviews in evaluating the employee's performance. Student~~  
 1188 ~~performance must be measured by state assessments required under~~  
 1189 ~~s. 1008.22 and by local assessments for subjects and grade~~  
 1190 ~~levels not measured by the state assessment program. The~~  
 1191 appraisal ~~assessment~~ criteria must include, but are not limited  
 1192 to, indicators that relate to the following:

1193 1. Performance of students.

1194 a. Beginning with the 2014-2015 school year and  
 1195 thereafter, for the classroom teacher, the learning gains of  
 1196 students assigned to the teacher must comprise more than 50  
 1197 percent of the determination of the classroom teacher's  
 1198 performance. Beginning with the 2014-2015 school year and  
 1199 thereafter, for instructional personnel, who are not classroom  
 1200 teachers, the learning gains of students assigned to the school  
 1201 must comprise more than 50 percent of the determination of the

1202 individual's performance. A school district may use the learning  
 1203 gains of students assigned to the classroom teacher for the  
 1204 preceding 3 years, or, for instructional personnel who are not  
 1205 classroom teachers, the learning gains of students assigned to  
 1206 the school for the preceding 3 years, to determine the  
 1207 individual's performance. For purposes of this sub-subparagraph,  
 1208 "school" means the school to which the instructional personnel,  
 1209 who is not a classroom teacher, was assigned for the last 3  
 1210 years. Student learning gains are measured by state assessments  
 1211 required under s. 1008.22, examinations in AP, IB, AICE, or a  
 1212 national industry certification identified in the Industry  
 1213 Certification Funding List pursuant to rules adopted by the  
 1214 State Board of Education, or district assessments for subject  
 1215 areas and grade levels as required under s. 1008.222.

1216 b. For instructional personnel, more than 50 percent of  
 1217 the determination of the individual's performance must be based  
 1218 on the performance of students assigned to their classrooms or  
 1219 schools, as appropriate. Student performance must be measured by  
 1220 state assessments required under s. 1008.22 and by local  
 1221 assessments for subjects and grade levels not measured by the  
 1222 state assessment program. This sub-subparagraph expires July 1,  
 1223 2014.

1224 2. Instructional practice. For instructional personnel,  
 1225 performance criteria must be based on the Florida Educator  
 1226 Accomplished Practices adopted by the State Board of Education  
 1227 by rule, which include:

1228 a. Ability to maintain appropriate discipline.

1229 ~~b.3.~~ Knowledge of subject matter. A district school board

1230 may consider advanced degrees held by instructional personnel.

1231 ~~The district school board shall make special provisions for~~  
 1232 ~~evaluating teachers who are assigned to teach out-of-field.~~

1233 c.4. Ability to plan and deliver effective instruction and  
 1234 the effective use of technology in the classroom.

1235 d.5. Ability to use assessment data and other evidence of  
 1236 student learning to design and implement differentiated  
 1237 instructional strategies in order to meet individual student  
 1238 needs for remediation or acceleration ~~evaluate instructional~~  
 1239 ~~needs.~~

1240 e.6. Ability to establish and maintain a positive  
 1241 collaborative relationship with students' families to increase  
 1242 student achievement.

1243 f.7. Other professional competencies, responsibilities,  
 1244 and requirements as established by rules of the State Board of  
 1245 Education and policies of the district school board.

1246 3. Instructional leadership performance.

1247 a. Beginning with the 2014-2015 school year and  
 1248 thereafter, for a school-based administrator, the learning gains  
 1249 of students assigned to the school must comprise more than 50  
 1250 percent of the determination of the school-based administrator's  
 1251 performance. A school district may use the learning gains of  
 1252 students assigned to the school for the preceding 3 years to  
 1253 determine the school-based administrator's performance. For  
 1254 purposes of this sub-subparagraph, "school" means the school to  
 1255 which the administrator was assigned for the last 3 years.  
 1256 Student learning gains are measured by state assessments  
 1257 required under s. 1008.22, examinations in AP, IB, AICE, or a

1258 national industry certification identified in the Industry  
 1259 Certification Funding List pursuant to rules adopted by the  
 1260 State Board of Education, or district assessments for subject  
 1261 areas and grade levels as required under s. 1008.222.

1262 b. For school-based administrators, more than 50 percent  
 1263 of the determination of the individual's performance must be  
 1264 based on the performance of students assigned to their schools.  
 1265 Student performance must be measured by state assessments  
 1266 required under s. 1008.22 and by local assessments for subjects  
 1267 and grade levels not measured by the state assessment program.  
 1268 This sub-subparagraph expires July 1, 2014.

1269 4. Instructional leadership practice. For a school-based  
 1270 administrator, performance criteria must be based on the Florida  
 1271 Principal Leadership Standards adopted by the State Board of  
 1272 Education under s. 1012.986, which includes the ability to:

1273 a. Manage human, financial, and material resources so as  
 1274 to maximize the share of resources used for direct instruction,  
 1275 as opposed to overhead or other purposes; and

1276 b. Recruit and retain high-performing teachers.

1277 (b) All personnel must be fully informed of the criteria  
 1278 and procedures associated with the appraisal ~~assessment~~ process  
 1279 before the appraisal ~~assessment~~ takes place.

1280 (c) The individual responsible for supervising the  
 1281 employee must evaluate ~~assess~~ the employee's performance. The  
 1282 evaluator must submit a written report of the appraisal  
 1283 ~~assessment~~ to the district school superintendent for the purpose  
 1284 of reviewing the employee's contract. The evaluator must submit  
 1285 the written report to the employee no later than 10 days after

1286 the appraisal ~~assessment~~ takes place. The evaluator must discuss  
 1287 the written report of the appraisal ~~assessment~~ with the  
 1288 employee. The employee shall have the right to initiate a  
 1289 written response to the appraisal ~~assessment~~, and the response  
 1290 shall become a permanent attachment to his or her personnel  
 1291 file.

1292 (d) If an employee is not performing his or her duties in  
 1293 a satisfactory manner, the evaluator shall notify the employee  
 1294 in writing of such determination. The notice must describe such  
 1295 unsatisfactory performance and include notice of the following  
 1296 procedural requirements:

1297 1. Upon delivery of a notice of unsatisfactory  
 1298 performance, the evaluator must confer with the employee, make  
 1299 recommendations with respect to specific areas of unsatisfactory  
 1300 performance, and provide assistance in helping to correct  
 1301 deficiencies within a prescribed period of time.

1302 2.a. If the employee holds an annual contract as provided  
 1303 in s. 1012.335, and receives an unsatisfactory performance  
 1304 appraisal pursuant to the criteria in subparagraph (a)2., the  
 1305 employee may request a review of the appraisal by the district  
 1306 school superintendent or his or her designee. The district  
 1307 school superintendent may review the employee's appraisal.

1308 b. If the employee holds a professional service contract  
 1309 as provided in s. 1012.33, the employee shall be placed on  
 1310 performance probation and governed by the provisions of this  
 1311 section for 90 calendar days following the receipt of the notice  
 1312 of unsatisfactory performance to demonstrate corrective action.  
 1313 School holidays and school vacation periods are not counted when

1314 calculating the 90-calendar-day period. During the 90 calendar  
 1315 days, the employee who holds a professional service contract  
 1316 must be evaluated periodically and apprised of progress achieved  
 1317 and must be provided assistance and inservice training  
 1318 opportunities to help correct the noted performance  
 1319 deficiencies. At any time during the 90 calendar days, the  
 1320 employee who holds a professional service contract may request a  
 1321 transfer to another appropriate position with a different  
 1322 supervising administrator; however, a transfer does not extend  
 1323 the period for correcting performance deficiencies.

1324 ~~c.b.~~ Within 14 days after the close of the 90 calendar  
 1325 days, the evaluator must evaluate ~~assess~~ whether the performance  
 1326 deficiencies have been corrected and forward a recommendation to  
 1327 the district school superintendent. Within 14 days after  
 1328 receiving the evaluator's recommendation, the district school  
 1329 superintendent must notify the employee who holds a professional  
 1330 service contract in writing whether the performance deficiencies  
 1331 have been satisfactorily corrected and whether the district  
 1332 school superintendent will recommend that the district school  
 1333 board continue or terminate his or her employment contract. If  
 1334 the employee wishes to contest the district school  
 1335 superintendent's recommendation, the employee must, within 15  
 1336 days after receipt of the district school superintendent's  
 1337 recommendation, submit a written request for a hearing. The  
 1338 hearing shall be conducted at the district school board's  
 1339 election in accordance with one of the following procedures:

1340 (I) A direct hearing conducted by the district school  
 1341 board within 60 days after receipt of the written appeal. The



1342 hearing shall be conducted in accordance with the provisions of  
 1343 ss. 120.569 and 120.57. A majority vote of the membership of the  
 1344 district school board shall be required to sustain the district  
 1345 school superintendent's recommendation. The determination of the  
 1346 district school board shall be final as to the sufficiency or  
 1347 insufficiency of the grounds for termination of employment; or

1348 (II) A hearing conducted by an administrative law judge  
 1349 assigned by the Division of Administrative Hearings of the  
 1350 Department of Management Services. The hearing shall be  
 1351 conducted within 60 days after receipt of the written appeal in  
 1352 accordance with chapter 120. The recommendation of the  
 1353 administrative law judge shall be made to the district school  
 1354 board. A majority vote of the membership of the district school  
 1355 board shall be required to sustain or change the administrative  
 1356 law judge's recommendation. The determination of the district  
 1357 school board shall be final as to the sufficiency or  
 1358 insufficiency of the grounds for termination of employment.

1359 (4) The district school superintendent shall notify the  
 1360 department of any instructional personnel who receive two  
 1361 consecutive unsatisfactory evaluations and who have been given  
 1362 written notice by the district that their employment is being  
 1363 terminated or is not being renewed or that the district school  
 1364 board intends to terminate, or not renew, their employment. The  
 1365 department shall conduct an investigation to determine whether  
 1366 action shall be taken against the certificateholder pursuant to  
 1367 s. 1012.795(1)(c).

1368 (5) The district school superintendent shall develop a  
 1369 mechanism for evaluating the effective use of appraisal

1370 ~~assessment~~ criteria and evaluation procedures by administrators  
 1371 who are assigned responsibility for evaluating the performance  
 1372 of instructional personnel. The use of the appraisal ~~assessment~~  
 1373 and evaluation procedures shall be considered as part of the  
 1374 annual appraisal ~~assessment~~ of the administrator's performance.  
 1375 The system must include a mechanism to give parents and teachers  
 1376 an opportunity to provide input into the administrator's  
 1377 performance assessment, ~~when appropriate.~~

1378 (6) Nothing in this section shall be construed to grant a  
 1379 probationary employee a right to continued employment beyond the  
 1380 term of his or her contract.

1381 (7) The district school board shall establish a procedure  
 1382 annually reviewing instructional personnel appraisal ~~assessment~~  
 1383 systems to determine compliance with this section. All  
 1384 substantial revisions to an approved system must be reviewed and  
 1385 approved by the district school board before being used to  
 1386 evaluate ~~assess~~ instructional personnel. Upon request by a  
 1387 school district, the department shall provide assistance in  
 1388 developing, improving, or reviewing an appraisal ~~assessment~~  
 1389 system.

1390 (8) The State Board of Education shall adopt rules  
 1391 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
 1392 guidelines for the submission, review, and approval of district  
 1393 procedures for the annual appraisal ~~assessment~~ of instructional  
 1394 personnel and school-based administrative personnel and that  
 1395 include the method of calculating rates of student learning tied  
 1396 to differentiated levels of performance as provided for in

1397 paragraph (2)(g) and criteria for evaluating professional  
 1398 performance.

1399 Section 28. Subsection (3) is added to section 1012.42,  
 1400 Florida Statutes, to read:

1401 1012.42 Teacher teaching out-of-field.—

1402 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011  
 1403 school year, a district school board shall not assign any  
 1404 beginning teacher to teach reading, science, or mathematics if  
 1405 he or she is not certified in reading, science, or mathematics.

1406 Section 29. Section 1012.52, Florida Statutes, is  
 1407 repealed.

1408 Section 30. Paragraph (c) of subsection (2), subsections  
 1409 (5), (6), and (7), paragraph (b) of subsection (9), and  
 1410 subsection (17) of section 1012.56, Florida Statutes, are  
 1411 amended to read:

1412 1012.56 Educator certification requirements.—

1413 (2) ELIGIBILITY CRITERIA.—To be eligible to seek  
 1414 certification, a person must:

1415 (c) Document receipt of a bachelor's or higher degree from  
 1416 an accredited institution of higher learning, or a nonaccredited  
 1417 institution of higher learning that the Department of Education  
 1418 has identified as having a quality program resulting in a  
 1419 bachelor's degree, or higher. Each applicant seeking initial  
 1420 certification must have attained at least a 2.5 overall grade  
 1421 point average on a 4.0 scale in the applicant's major field of  
 1422 study. The applicant may document the required education by  
 1423 submitting official transcripts from institutions of higher  
 1424 education or by authorizing the direct submission of such

1425 official transcripts through established electronic network  
 1426 systems. The bachelor's or higher degree may not be required in  
 1427 areas approved in rule by the State Board of Education as  
 1428 nondegreed areas. The State Board of Education may adopt rules  
 1429 that, for purposes of demonstrating completion of certification  
 1430 requirements specified in state board rule, allow for the  
 1431 acceptance of college course credits recommended by the American  
 1432 Council on Education (ACE), as posted on an official ACE  
 1433 transcript.

1434 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
 1435 demonstrating mastery of subject area knowledge are:

1436 (a) Achievement of passing scores on subject area  
 1437 examinations required by state board rule, which may include,  
 1438 but need not be limited to, world languages in Arabic, Chinese,  
 1439 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,  
 1440 Italian, Japanese, Portuguese, Russian, and Spanish;

1441 (b) Completion of a bachelor's degree or higher and  
 1442 verification of the attainment of an oral proficiency interview  
 1443 score above the intermediate level and a written proficiency  
 1444 score above the intermediate level on a test administered by the  
 1445 American Council on the Teaching of Foreign Languages for which  
 1446 there is no Florida-developed examination;

1447 (c) Completion of the subject area specialization  
 1448 requirements specified in state board rule and verification of  
 1449 the attainment of the essential subject matter competencies by  
 1450 the district school superintendent of the employing school  
 1451 district or chief administrative officer of the employing state-  
 1452 supported or private school for a subject area for which a

1453 | subject area examination has not been developed and required by  
 1454 | state board rule;

1455 |       (d) Completion of the subject area specialization  
 1456 | requirements specified in state board rule for a subject  
 1457 | coverage requiring a master's or higher degree and achievement  
 1458 | of a passing score on the subject area examination specified in  
 1459 | state board rule;

1460 |       (e) A valid professional standard teaching certificate  
 1461 | issued by another state and achievement of a passing score on  
 1462 | the subject area exam specified in State Board of Education rule  
 1463 | or by a full demonstration of mastery of his or her ability to  
 1464 | teach the subject area for which he or she is seeking  
 1465 | certification, as provided by rules of the State Board of  
 1466 | Education; or

1467 |       (f) A valid certificate issued by the National Board for  
 1468 | Professional Teaching Standards or a national educator  
 1469 | credentialing board approved by the State Board of Education.

1470 |  
 1471 | School districts are encouraged to provide mechanisms for those  
 1472 | middle school teachers holding only a K-6 teaching certificate  
 1473 | to obtain a subject area coverage for middle grades through  
 1474 | postsecondary coursework or district add-on certification.

1475 |       (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
 1476 | COMPETENCE.—Acceptable means of demonstrating mastery of  
 1477 | professional preparation and education competence are:

1478 |       (a) Completion of an approved teacher preparation program  
 1479 | at a postsecondary educational institution within this state and  
 1480 | achievement of a passing score on the professional education

1481 competency examination required by state board rule;

1482 (b) Completion of a teacher preparation program at a

1483 postsecondary educational institution outside Florida and

1484 achievement of a passing score on the professional education

1485 competency examination required by state board rule;

1486 (c) A valid professional standard teaching certificate

1487 issued by another state;

1488 (d) A valid certificate issued by the National Board for

1489 Professional Teaching Standards or a national educator

1490 credentialing board approved by the State Board of Education;

1491 (e) Documentation of two semesters of successful teaching

1492 in a community college, state university, or private college or

1493 university that awards an associate or higher degree and is an

1494 accredited institution or an institution of higher education

1495 identified by the Department of Education as having a quality

1496 program;

1497 (f) Completion of professional preparation courses as

1498 specified in state board rule, successful completion of a

1499 professional education competence demonstration program pursuant

1500 to paragraph (8)(b), and achievement of a passing score on the

1501 professional education competency examination required by state

1502 board rule;

1503 (g) Successful completion of a professional preparation

1504 alternative certification and education competency program,

1505 outlined in paragraph (8)(a); ~~or~~

1506 (h) Successful completion of an alternative certification

1507 program pursuant to s. 1004.85 and achievement of a passing

1508 score on the professional education competency examination

1509 required by rule of the State Board of Education; or-  
 1510 (i) Successful completion of a professional education  
 1511 training program provided by Teach for America and achievement  
 1512 of a passing score on the professional education competency  
 1513 examination required by rule of the State Board of Education.  
 1514 (7) TYPES AND TERMS OF CERTIFICATION.—  
 1515 (a) The Department of Education shall issue a professional  
 1516 certificate for a period not to exceed 5 years to any applicant  
 1517 who meets all the requirements outlined in subsection (2).  
 1518 (b) The department shall issue a temporary certificate to  
 1519 any applicant who meets the following requirements:  
 1520 1. Completes the requirements outlined in paragraphs  
 1521 (2) (a)-(f); ~~and~~  
 1522 2.a. Completes the subject area content requirements  
 1523 specified in state board rule; or  
 1524 b. Demonstrates mastery of subject area knowledge pursuant  
 1525 to subsection (5); and  
 1526 3. Holds an accredited degree or a degree approved by the  
 1527 Department of Education at the level required for the subject  
 1528 area specialization in state board rule.  
 1529 (c) The department shall issue one nonrenewable 2-year  
 1530 temporary certificate and one nonrenewable 5-year professional  
 1531 certificate to a qualified applicant who holds a bachelor's  
 1532 degree in the area of speech-language impairment to allow for  
 1533 completion of a master's degree program in speech-language  
 1534 impairment.  
 1535  
 1536 Each temporary certificate is valid for 3 school fiscal years

1537 and is nonrenewable. However, the requirement in paragraphs  
 1538 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of  
 1539 the date of employment under the temporary certificate.  
 1540 Individuals who are employed under contract at the end of the 1  
 1541 calendar year time period may continue to be employed through  
 1542 the end of the school year in which they have been contracted. A  
 1543 school district shall not employ, or continue the employment of,  
 1544 an individual in a position for which a temporary certificate is  
 1545 required beyond this time period if the individual has not met  
 1546 the requirement of paragraph (2) (g) or paragraph (2) (h). The  
 1547 State Board of Education shall adopt rules to allow the  
 1548 department to extend the validity period of a temporary  
 1549 certificate for 2 years when the requirements for the  
 1550 professional certificate, not including the requirement in  
 1551 paragraph (2) (g) or paragraph (2) (h), were not completed due to  
 1552 the serious illness or injury of the applicant or other  
 1553 extraordinary extenuating circumstances. The department shall  
 1554 reissue the temporary certificate for 2 additional years upon  
 1555 approval by the Commissioner of Education. A written request for  
 1556 reissuance of the certificate shall be submitted by the district  
 1557 school superintendent, the governing authority of a university  
 1558 lab school, the governing authority of a state-supported school,  
 1559 or the governing authority of a private school.

1560 (9) EXAMINATIONS.—

1561 (b) The State Board of Education shall, by rule, specify  
 1562 the examination scores that are required for the issuance of a  
 1563 professional certificate and temporary certificate. Such rules  
 1564 must define generic subject area and reading instruction



1565 competencies and must establish uniform evaluation guidelines.  
 1566 The State Board of Education shall review the current subject  
 1567 area examinations and, if necessary, revise the passing scores  
 1568 and reading instruction pursuant to s. 1001.215 required for  
 1569 achieving certification in order to match expectations for  
 1570 teacher competency in each subject area.

1571 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—  
 1572 ~~Beginning with the 2003-2004 school year,~~ The Department of  
 1573 Education shall conduct a longitudinal study to compare  
 1574 performance of certificateholders who are employed in Florida  
 1575 school districts. The study shall compare ~~a sampling of~~  
 1576 educators who have qualified for a professional certificate  
 1577 ~~since July 1, 2002,~~ based on the following:

1578 (a) Graduation from a state-approved teacher preparation  
 1579 program.

1580 (b) Completion of a state-approved professional  
 1581 preparation and education competency program.

1582 (c) A valid standard teaching certificate issued by a  
 1583 state other than Florida.

1584  
 1585 The department comparisons shall be made to determine if there  
 1586 is any significant difference in the performance of these groups  
 1587 of teachers, as measured by their students' achievement levels  
 1588 and learning gains as measured by s. 1008.22.

1589 Section 31. Paragraph (b) of subsection (2) and subsection  
 1590 (5) of section 1012.585, Florida Statutes, are amended, and  
 1591 subsection (6) is added to that section, to read:

1592 1012.585 Process for renewal of professional

1593 certificates.—

1594 (2)

1595 (b) A teacher with national certification from the

1596 National Board for Professional Teaching Standards is deemed to

1597 meet state renewal requirements ~~for the life of the teacher's~~

1598 ~~national certificate~~ in the subject shown on the national

1599 certificate. A complete renewal application and fee shall be

1600 submitted. The Commissioner of Education shall notify teachers

1601 of the renewal application and fee requirements. This paragraph

1602 expires July 1, 2014.

1603 (5) The State Board of Education shall adopt rules to

1604 allow the reinstatement of expired professional certificates.

1605 The department may reinstate an expired professional certificate

1606 if the certificateholder:

1607 (a) Submits an application for reinstatement of the

1608 expired certificate.

1609 (b) Documents completion of 6 college credits during the 5

1610 years immediately preceding reinstatement of the expired

1611 certificate, completion of 120 inservice points, or a

1612 combination thereof, in an area specified in paragraph (3)(a).

1613 (c) Meets the requirements in subsection (6).

1614 (d)~~(e)~~ During the 5 years immediately preceding

1615 reinstatement of the certificate, achieves a passing score on

1616 the subject area test for each subject to be shown on the

1617 reinstated certificate.

1618

1619 The requirements of this subsection may not be satisfied by

1620 subject area tests or college credits completed for issuance of

1621 the certificate that has expired.  
 1622 (6) Beginning with the 2014-2015 school year, the  
 1623 requirements for the renewal of a professional certificate shall  
 1624 include documentation of effective or highly effective  
 1625 performance as demonstrated under s. 1012.34 for at least 4 of  
 1626 the preceding 5 years before the renewal certification is  
 1627 sought. The State Board of Education shall adopt rules to define  
 1628 the process for documenting effective performance under this  
 1629 subsection, including equivalent options for individuals who  
 1630 have not been evaluated under s. 1012.34. An individual's  
 1631 certificate shall expire if the individual is not able to  
 1632 demonstrate effective performance as required under this  
 1633 subsection and the rules of the state board. The individual may  
 1634 apply to reinstate his or her professional certificate under  
 1635 subsection (5).

1636 Section 32. Subsection (2) of section 1012.72, Florida  
 1637 Statutes, is amended to read:

1638 1012.72 Dale Hickam Excellent Teaching Program.—

1639 (2) The Dale Hickam Excellent Teaching Program is created  
 1640 to provide categorical funding for bonuses for teaching  
 1641 excellence. The bonuses may be provided for initial  
 1642 certification for up to one 10-year period for individuals  
 1643 holding NBPTS certification on July 1, 2010, and who remain  
 1644 continuously employed in a public school in this state or the  
 1645 Florida School for the Deaf and the Blind. The Department of  
 1646 Education shall distribute to each school district an amount as  
 1647 prescribed annually by the Legislature for the Dale Hickam  
 1648 Excellent Teaching Program. For purposes of this section, the

1649 Florida School for the Deaf and the Blind shall be considered a  
 1650 school district. Unless otherwise provided in the General  
 1651 Appropriations Act, each distribution shall be the sum of the  
 1652 amounts earned for the following:

1653 (a) An annual bonus equal to 10 percent of the prior  
 1654 fiscal year's statewide average salary for classroom teachers to  
 1655 be distributed to the school district to be paid to each  
 1656 individual who holds NBPTS certification and is employed by the  
 1657 district school board or by a public school within the school  
 1658 district. The district school board shall distribute the annual  
 1659 bonus to each individual who meets the requirements of this  
 1660 paragraph and who is certified annually by the district to have  
 1661 demonstrated satisfactory teaching performance pursuant to s.  
 1662 1012.34. The annual bonus may be paid as a single payment or  
 1663 divided into not more than three payments.

1664 (b) An annual bonus equal to 10 percent of the prior  
 1665 fiscal year's statewide average salary for classroom teachers to  
 1666 be distributed to the school district to be paid to each  
 1667 individual who meets the requirements of paragraph (a) and  
 1668 agrees, in writing, to provide the equivalent of 12 workdays of  
 1669 mentoring and related services to public school teachers within  
 1670 the state who do not hold NBPTS certification. Related services  
 1671 must include instruction in helping teachers work more  
 1672 effectively with the families of their students. The district  
 1673 school board shall distribute the annual bonus in a single  
 1674 payment following the completion of all required mentoring and  
 1675 related services for the year. It is not the intent of the  
 1676 Legislature to remove excellent teachers from their assigned

1677 classrooms; therefore, credit may not be granted by a school  
 1678 district or public school for mentoring or related services  
 1679 provided during student contact time during the 196 days of  
 1680 required service for the school year.

1681 (c) The employer's share of social security and Medicare  
 1682 taxes for those teachers who receive bonus amounts under  
 1683 paragraph (a) or paragraph (b).

1684 Section 33. Subsection (1) of section 1012.79, Florida  
 1685 Statutes, is amended to read:

1686 1012.79 Education Practices Commission; organization.—

1687 (1) The Education Practices Commission consists of 25  
 1688 members, including 11 & teachers; 5 administrators, at least one  
 1689 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,  
 1690 3 ~~5~~ of whom shall be parents of public school students and who  
 1691 are unrelated to public school employees and 2 of whom shall be  
 1692 former district school board members; and 4 ~~5~~ sworn law  
 1693 enforcement officials, appointed by the State Board of Education  
 1694 from nominations by the Commissioner of Education and subject to  
 1695 Senate confirmation. Prior to making nominations, the  
 1696 commissioner shall consult with teaching associations, parent  
 1697 organizations, law enforcement agencies, and other involved  
 1698 associations in the state. In making nominations, the  
 1699 commissioner shall attempt to achieve equal geographical  
 1700 representation, as closely as possible.

1701 (a) A teacher member, in order to be qualified for  
 1702 appointment:

- 1703 1. Must be certified to teach in the state.
- 1704 2. Must be a resident of the state.

1705           3. Must have practiced the profession ~~in this state~~ for at  
 1706 least 10 years, with at least 5 years of experience in this  
 1707 state immediately preceding the appointment.

1708           (b) A school administrator member, in order to be  
 1709 qualified for appointment:

1710           1. Must have an endorsement on the educator certificate in  
 1711 the area of school administration or supervision.

1712           2. Must be a resident of the state.

1713           3. Must have practiced the profession as an administrator  
 1714 for at least 5 years immediately preceding the appointment.

1715           (c) The lay members must be residents of the state.

1716           (d) The law enforcement official members must have served  
 1717 in the profession for at least 5 years immediately preceding  
 1718 appointment and have background expertise in child safety.

1719           Section 34. Paragraph (h) of subsection (1) of section  
 1720 1012.795, Florida Statutes, is amended to read:

1721           1012.795 Education Practices Commission; authority to  
 1722 discipline.—

1723           (1) The Education Practices Commission may suspend the  
 1724 educator certificate of any person as defined in s. 1012.01(2)  
 1725 or (3) for up to 5 years, thereby denying that person the right  
 1726 to teach or otherwise be employed by a district school board or  
 1727 public school in any capacity requiring direct contact with  
 1728 students for that period of time, after which the holder may  
 1729 return to teaching as provided in subsection (4); may revoke the  
 1730 educator certificate of any person, thereby denying that person  
 1731 the right to teach or otherwise be employed by a district school  
 1732 board or public school in any capacity requiring direct contact

1733 with students for up to 10 years, with reinstatement subject to  
 1734 the provisions of subsection (4); may revoke permanently the  
 1735 educator certificate of any person thereby denying that person  
 1736 the right to teach or otherwise be employed by a district school  
 1737 board or public school in any capacity requiring direct contact  
 1738 with students; may suspend the educator certificate, upon an  
 1739 order of the court or notice by the Department of Revenue  
 1740 relating to the payment of child support; or may impose any  
 1741 other penalty provided by law, if the person:

1742 (h) Has breached a contract, as provided in s. 1012.33(2)  
 1743 or s. 1012.335.

1744 Section 35. Review of teacher preparation program  
 1745 funding.-

1746 (1) The Department of Education, in collaboration with the  
 1747 Board of Governors, shall develop a methodology to determine the  
 1748 cost-effectiveness of the teacher preparation programs in ss.  
 1749 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The  
 1750 methodology for determining program costs must use existing  
 1751 expenditure data, when available.

1752 (2) On or before December 1, 2011, the Department of  
 1753 Education shall submit a report to the Governor, the President  
 1754 of the Senate, and the Speaker of the House of Representatives  
 1755 which:

1756 (a) Provides a methodology to evaluate the cost-  
 1757 effectiveness of teacher preparation programs based on program  
 1758 costs, program outcomes of student cohorts such as completion  
 1759 rates, placement rates in teaching jobs, retention rates in the  
 1760 classroom, and student achievement and learning gains of

1761 students taught by graduates;

1762 (b) Uses the methodology developed to evaluate the cost-  
 1763 effectiveness of the state's teacher preparation programs; and

1764 (c) Provides recommendations that would enhance the  
 1765 Legislature's ability to consider the program's productivity  
 1766 when allocating funds.

1767 (3) The Office of Program Policy Analysis and Government  
 1768 Accountability shall review the current standards for the  
 1769 continued approval of teacher preparation programs and make  
 1770 recommendations to the Legislature on or before January 1, 2012,  
 1771 for any needed changes. Such recommendations shall include  
 1772 proposed changes to the allocation of any state funds to teacher  
 1773 preparation programs and the students enrolled in these  
 1774 programs.

1775 Section 36. (1) Any school district that received a grant  
 1776 of at least \$75 million from a private foundation for the  
 1777 purpose of improving the effectiveness of teachers within the  
 1778 school district may seek an annual exemption from the State  
 1779 Board of Education of ss. 1008.222, 1011.626, Florida Statutes,  
 1780 as created by this act, and the amendments to ss. 1012.22 and  
 1781 1012.34, Florida Statutes, as amended by this act.

1782 (2) To receive approval from the State Board of Education  
 1783 for an exemption under this section, a school district must  
 1784 demonstrate to the State Board of Education that it is  
 1785 implementing the following:

1786 (a) A teacher appraisal system that uses student  
 1787 performance as the single greatest component of the teacher's  
 1788 evaluation.



1789           (b) A teacher compensation system that awards salary  
 1790 increases based on sustained student performance.

1791           (c) A teacher contract system that awards contracts based  
 1792 on student performance.

1793           (3) The State Board of Education shall annually renew a  
 1794 school district's exemption if the school district provides a  
 1795 progress report that demonstrates that the school district  
 1796 continues to meet the requirements of subsection (2).

1797           (4) The State Board of Education shall adopt rules  
 1798 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
 1799 establish the procedures for applying for an exemption under  
 1800 this section.

1801           Section 37. If any provision of this act or its  
 1802 application to any person or circumstance is held invalid, the  
 1803 invalidity does not affect other provisions or applications of  
 1804 the act which can be given effect without the invalid provision  
 1805 or application, and to this end the provisions of this act are  
 1806 severable.

1807           Section 38. The amendments to s. 1012.33, Florida  
 1808 Statutes, shall apply to contracts newly entered into, extended,  
 1809 or readopted on or after July 1, 2010, and to all contracts on  
 1810 or after July 1, 2013.

1811           Section 39. Except as otherwise expressly provided in this  
 1812 act, this act shall take effect July 1, 2010.