



PreK-12 Policy Committee

Thursday, March 25, 2010

9:00 a.m.

Morris Hall

Meeting Packet

**Larry Cretul
Speaker**

**John Legg
Chair**



The Florida House of Representatives

Education Policy Council

PreK-12 Policy Committee

Larry Cretul
Speaker

John Legg
Chair

Meeting Agenda
Thursday, March 25, 2010
9:00 a.m.
Morris Hall

- I. Call to Order/Roll Call**
- II. Consideration of the following bills:**
 - **HB 461 by Kelly -- Participation in Fine Arts Courses**
 - **PCB PT 10-02 -- Education Personnel**
 - **PCS for HB 747 -- Student Diabetes Management**
 - **PCSMB for HB 1073 & HB 81 -- Education of Children with Disabilities**
- III. Closing Comments/Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 461 Participation in Fine Arts Courses

SPONSOR(S): Kelly and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Policy Committee</u>	<hr/>	Duncan <i>add</i>	Ahearn <i>(Signature)</i>
2) <u>PreK-12 Appropriations Committee</u>	<hr/>	<hr/>	<hr/>
3) <u>Education Policy Council</u>	<hr/>	<hr/>	<hr/>
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SUMMARY ANALYSIS

Student achievement data from the Florida Comprehensive Assessment Test (FCAT) in grades 3 through 10 are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. FCAT results are also used as the primary criteria in calculating school performance grades, school rewards and recognition, and performance-based funding.

The criteria for designating school performance grades are based on a combination of the following:

- Student achievement scores, including achievement scores for students seeking a special diploma.
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10.
- Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.

Beginning with the 2009-2010 school year, 50 percent of a high school's grade continues to be based upon student achievement and learning gains based on FCAT scores. The *remaining* 50 percent is based upon the:

- High school graduation rate of the school.
- Performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the student's achievement of industry certification in a career and professional academy.
- Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test.
- High school graduation rate of at-risk students who scored a Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations.
- Performance of students on statewide, standardized end-of-course assessments.
- Growth or decline of these components from year to year.

The bill includes, in "the remaining 50 percent" of the school's grade, the participation rate of all eligible students in a school who are enrolled in fine arts courses, which are visual arts, music, dance, and theater as one of the non-FCAT factors used to determine a high school's performance grade. If determined by the Department of Education to be valid and available, data relating to the participation rate of all eligible students in a school who are enrolled in fine arts courses must be used in determining school grades.

See FISCAL COMMENTS and DRAFTING ISSUES OR OTHER COMMENTS sections of the analysis.

The sponsor has filed an amendment to address concerns identified in the analysis.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

School Performance Grades

Student achievement data from the FCAT in grades 3 through 10¹ are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.² FCAT results are also used as the primary criteria in calculating school performance grades, school rewards and recognition, and performance-based funding.³ The results of the statewide assessment program must be annually reported by the Commissioner of Education.⁴ The following letter grades are used to designate school performance:

- "A" for schools making excellent progress.
- "B" for schools making above average progress.
- "C" for schools making satisfactory progress.
- "D" for schools making less than satisfactory progress.
- "F" for schools failing to make adequate progress.⁵

The criteria for designating school performance grades are based on a combination of the following:

- Student achievement scores, including achievement scores for students seeking a special diploma.
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10.
- Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.⁶

¹ Comprehensive assessments of reading and mathematics must be administered annually in grades 3 through 10. Comprehensive assessments of writing and science must be administered at least once at the elementary, middle, and high school levels. s. 1008.22(3)(c), F.S. All eligible students in grades 4, 8, and 10 must take the writing test. All eligible students in grades five, eight, and eleven must take the science test. Rule 6A-1.09422.

² s. 1008.34, F.S.

³ Rule 6A-1.09981, F.A.C.

⁴ s. 1008.34, F.S.

⁵ s. 1008.34(2), F.S.

⁶ s. 1008.34(3)(b)1., F.S.

In 2008, the Legislature revised the high school grading formula.⁷ Beginning with the 2009-2010 school year, 50 percent of a high school's grade continues to be based upon student achievement and learning gains based on FCAT scores.⁸ The *remaining* 50 percent is based upon the:

- High school graduation rate of the school.
- Performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses;⁹ and the student's achievement of industry certification in a career and professional academy.¹⁰
- Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test.¹¹
- High school graduation rate of at-risk students who scored a Level 2 or lower on the grade 8 FCAT Reading and Mathematics examinations.
- Performance of students on statewide, standardized end-of-course assessments.
- Growth or decline of these components from year to year.¹²

If determined by the Department of Education (DOE) to be valid and available, data corresponding to the non-FCAT factors must be used in determining school grades.

Effect of Proposed Changes

The bill includes, in "the remaining 50 percent" of the school's grade, the *participation rate* of all eligible students in a school enrolled in fine arts courses, which are visual arts, music, dance, and theater, as one of the non-FCAT factors that must be used to determine a high school's performance grade. This provision would permit the *student participation rate* in specific courses, rather than *student performance*, to be used as a factor in determining a school's grade. To solely reward participation over performance might lead to a focus on quantity over quality.

The bill also requires, if determined by DOE to be valid and available, data relating to the participation rate of all eligible students in a school who are enrolled in fine arts courses to be used in determining school grades.

B. SECTION DIRECTORY:

Section 1: Amends s. 1008.34, F.S., school grading system; school report cards; district grade.

Section 2: Provides an effective date of July 1, 2010.

⁷ Chapter 2008-35, L.O.F.

⁸ s. 1008.34(3)(b)2., F.S.

⁹ Acceleration mechanisms include, but are not limited to, International Baccalaureate (IB), Advanced International Certificate of Education (AICE), credit by examination or demonstration of competency, Advanced Placement (AP), early admissions, and dual enrollment. Acceleration mechanisms serve to reduce the time necessary for a secondary or postsecondary student to complete the requirements for receipt of a high school diploma and a postsecondary degree, broaden the scope the curriculum available to students, or increase the depth of study available for a particular subject. s. 1007.27, F.S.

¹⁰ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by a regional workforce board. s. 1003.493, F.S.

¹¹ The common placement test assesses the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. s. 1008.30, F.S.

¹² s. 1008.34(3)(b)2., F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

DOE COMMENTS:

To the extent the addition of arts participation to the school grading criteria changes the number of schools in a district that earn an "A" or improve a letter grade from one year to the next, the amount of school recognition funds a district earns pursuant to s.1008.36, F.S., could change.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No new specific authority is granted. However, the State Board of Education would have to modify the School Performance Grade rule if the bill becomes law.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DOE COMMENTS:

Consideration may be given to the extent to which adding another component for school grading could further complicate the school grading formula (decreases the extent to which it can be easily understood by the public), and/or whether factors relating to funding and resources might create equity issues in the offering of fine arts courses to students across schools, districts, and regions.

Addition of this component would require a change in the points scale for grading high schools and a revision to Rule 6A-1.09981, F.A.C.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.

1 A bill to be entitled
 2 An act relating to participation in fine arts courses;
 3 amending s. 1008.34, F.S.; revising the basis for the
 4 designation of school grades to include participation
 5 rates of students who are enrolled in fine arts courses;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraphs (b) and (c) of subsection (3) of
 11 section 1008.34, Florida Statutes, are amended to read:

12 1008.34 School grading system; school report cards;
 13 district grade.—

14 (3) DESIGNATION OF SCHOOL GRADES.—

15 (b)1. A school's grade shall be based on a combination of:

16 a. Student achievement scores, including achievement
 17 scores for students seeking a special diploma.

18 b. Student learning gains as measured by annual FCAT
 19 assessments in grades 3 through 10; learning gains for students
 20 seeking a special diploma, as measured by an alternate
 21 assessment tool, shall be included not later than the 2009-2010
 22 school year.

23 c. Improvement of the lowest 25th percentile of students
 24 in the school in reading, mathematics, or writing on the FCAT,
 25 unless these students are exhibiting satisfactory performance.

26 2. Beginning with the 2009-2010 school year for schools
 27 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 28 11, and 12, 50 percent of the school grade shall be based on a

29 combination of the factors listed in sub-subparagraphs 1.a.-c.
 30 and the remaining 50 percent on the following factors:

- 31 a. The high school graduation rate of the school;
- 32 b. As valid data becomes available, the performance and
 33 participation of the school's students in College Board Advanced
 34 Placement courses, International Baccalaureate courses, dual
 35 enrollment courses, and Advanced International Certificate of
 36 Education courses; and the students' achievement of industry
 37 certification, as determined by the Agency for Workforce
 38 Innovation under s. 1003.492(2) in a career and professional
 39 academy, as described in s. 1003.493;

- 40 c. Postsecondary readiness of the school's students as
 41 measured by the SAT, ACT, or the common placement test;

- 42 d. The high school graduation rate of at-risk students who
 43 scored at Level 2 or lower on the grade 8 FCAT Reading and
 44 Mathematics examinations;

- 45 e. As valid data becomes available, the performance of the
 46 school's students on statewide standardized end-of-course
 47 assessments administered under s. 1008.22; and

- 48 f. The participation rate of all eligible students in the
 49 school who are enrolled in fine arts courses, which are visual
 50 arts, music, dance, and theatre; and

- 51 g.f. The growth or decline in the components listed in
 52 sub-subparagraphs a.-f. ~~a.-e.~~ from year to year.

53 (c) Student assessment data used in determining school
 54 grades shall include:

- 55 1. The aggregate scores of all eligible students enrolled
 56 in the school who have been assessed on the FCAT.

57 2. The aggregate scores of all eligible students enrolled
 58 in the school who have been assessed on the FCAT and who have
 59 scored at or in the lowest 25th percentile of students in the
 60 school in reading, mathematics, or writing, unless these
 61 students are exhibiting satisfactory performance.

62 3. Effective with the 2005-2006 school year, the
 63 achievement scores and learning gains of eligible students
 64 attending alternative schools that provide dropout prevention
 65 and academic intervention services pursuant to s. 1003.53. The
 66 term "eligible students" in this subparagraph does not include
 67 students attending an alternative school who are subject to
 68 district school board policies for expulsion for repeated or
 69 serious offenses, who are in dropout retrieval programs serving
 70 students who have officially been designated as dropouts, or who
 71 are in programs operated or contracted by the Department of
 72 Juvenile Justice. The student performance data for eligible
 73 students identified in this subparagraph shall be included in
 74 the calculation of the home school's grade. As used in this
 75 section and s. 1008.341, the term "home school" means the school
 76 to which the student would be assigned if the student were not
 77 assigned to an alternative school. If an alternative school
 78 chooses to be graded under this section, student performance
 79 data for eligible students identified in this subparagraph shall
 80 not be included in the home school's grade but shall be included
 81 only in the calculation of the alternative school's grade. A
 82 school district that fails to assign the FCAT scores of each of
 83 its students to his or her home school or to the alternative
 84 school that receives a grade shall forfeit Florida School

85 Recognition Program funds for 1 fiscal year. School districts
 86 must require collaboration between the home school and the
 87 alternative school in order to promote student success. This
 88 collaboration must include an annual discussion between the
 89 principal of the alternative school and the principal of each
 90 student's home school concerning the most appropriate school
 91 assignment of the student.

92 4. Beginning with the 2009-2010 school year for schools
 93 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 94 11, and 12, the data listed in subparagraphs 1.-3. and the
 95 following data as the Department of Education determines such
 96 data are valid and available:

97 a. The high school graduation rate of the school as
 98 calculated by the Department of Education;

99 b. The participation rate of all eligible students
 100 enrolled in the school and enrolled in College Board Advanced
 101 Placement courses; International Baccalaureate courses; dual
 102 enrollment courses; Advanced International Certificate of
 103 Education courses; and courses or sequence of courses leading to
 104 industry certification, as determined by the Agency for
 105 Workforce Innovation under s. 1003.492(2) in a career and
 106 professional academy, as described in s. 1003.493;

107 c. The aggregate scores of all eligible students enrolled
 108 in the school in College Board Advanced Placement courses,
 109 International Baccalaureate courses, and Advanced International
 110 Certificate of Education courses;

111 d. Earning of college credit by all eligible students
 112 enrolled in the school in dual enrollment programs under s.

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113 1007.271;

114 e. Earning of an industry certification, as determined by
 115 the Agency for Workforce Innovation under s. 1003.492(2) in a
 116 career and professional academy, as described in s. 1003.493;

117 f. The aggregate scores of all eligible students enrolled
 118 in the school in reading, mathematics, and other subjects as
 119 measured by the SAT, the ACT, and the common placement test for
 120 postsecondary readiness;

121 g. The high school graduation rate of all eligible at-risk
 122 students enrolled in the school who scored at Level 2 or lower
 123 on the grade 8 FCAT Reading and Mathematics examinations;

124 h. The performance of the school's students on statewide
 125 standardized end-of-course assessments administered under s.
 126 1008.22; and

127 i. The participation rate of all eligible students in the
 128 school who are enrolled in fine arts courses, which are visual
 129 arts, music, dance, and theatre; and

130 j. ~~i.~~ The growth or decline in the data components listed
 131 in sub-paragraphs a.-i. ~~a.-h.~~ from year to year.

132

133 The State Board of Education shall adopt appropriate criteria
 134 for each school grade. The criteria must also give added weight
 135 to student achievement in reading. Schools designated with a
 136 grade of "C," making satisfactory progress, shall be required to
 137 demonstrate that adequate progress has been made by students in
 138 the school who are in the lowest 25th percentile in reading,
 139 mathematics, or writing on the FCAT, unless these students are
 140 exhibiting satisfactory performance. Beginning with the 2009-

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141 | 2010 school year for schools comprised of high school grades 9,
 142 | 10, 11, and 12, or grades 10, 11, and 12, the criteria for
 143 | school grades must also give added weight to the graduation rate
 144 | of all eligible at-risk students, as defined in this paragraph.
 145 | Beginning in the 2009-2010 school year, in order for a high
 146 | school to be designated as having a grade of "A," making
 147 | excellent progress, the school must demonstrate that at-risk
 148 | students, as defined in this paragraph, in the school are making
 149 | adequate progress.

150 | Section 2. This act shall take effect July 1, 2010.

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12 Policy Committee
2 Representative(s) Kelly offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement scores for students seeking a special diploma.

b. Student learning gains as measured by annual FCAT assessments in grades 3 through 10; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.

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19 c. Improvement of the lowest 25th percentile of students
20 in the school in reading, mathematics, or writing on the FCAT,
21 unless these students are exhibiting satisfactory performance.

22 2. Beginning with the 2009-2010 school year for schools
23 comprised of high school grades 9, 10, 11, and 12, or grades 10,
24 11, and 12, 50 percent of the school grade shall be based on a
25 combination of the factors listed in sub-subparagraphs 1.a.-c.
26 and the remaining 50 percent on the following factors:

27 a. The high school graduation rate of the school;

28 b. As valid data becomes available, the performance and
29 participation of the school's students in College Board Advanced
30 Placement courses, International Baccalaureate courses, dual
31 enrollment courses, and Advanced International Certificate of
32 Education courses; and the students' achievement of industry
33 certification, as determined by the Agency for Workforce
34 Innovation under s. 1003.492(2) in a career and professional
35 academy, as described in s. 1003.493;

36 c. Postsecondary readiness of the school's students as
37 measured by the SAT, ACT, or the common placement test;

38 d. The high school graduation rate of at-risk students who
39 scored at Level 2 or lower on the grade 8 FCAT Reading and
40 Mathematics examinations;

41 e. As valid data becomes available, the performance of the
42 school's students on statewide standardized end-of-course
43 assessments administered under s. 1008.22; and

44 f. As valid data becomes available, the performance of the
45 school's students on standardized end-of-course assessments in
46 visual arts, music, dance, and theatre courses. Assessments

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47 shall be developed by the Department of Education, in
48 coordination with Florida professional arts education
49 associations, subject to available funding. Field testing of the
50 assessments shall be completed and the results of such testing
51 shall be reported no later than 2 years after funds become
52 available; and

53 g.f. The growth or decline in the components listed in
54 sub-subparagraphs a.-f., as available, a.-e. from year to year.

55 (c) Student assessment data used in determining school
56 grades shall include:

57 1. The aggregate scores of all eligible students enrolled
58 in the school who have been assessed on the FCAT.

59 2. The aggregate scores of all eligible students enrolled
60 in the school who have been assessed on the FCAT and who have
61 scored at or in the lowest 25th percentile of students in the
62 school in reading, mathematics, or writing, unless these
63 students are exhibiting satisfactory performance.

64 3. Effective with the 2005-2006 school year, the
65 achievement scores and learning gains of eligible students
66 attending alternative schools that provide dropout prevention
67 and academic intervention services pursuant to s. 1003.53. The
68 term "eligible students" in this subparagraph does not include
69 students attending an alternative school who are subject to
70 district school board policies for expulsion for repeated or
71 serious offenses, who are in dropout retrieval programs serving
72 students who have officially been designated as dropouts, or who
73 are in programs operated or contracted by the Department of
74 Juvenile Justice. The student performance data for eligible

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75 students identified in this subparagraph shall be included in
76 the calculation of the home school's grade. As used in this
77 section and s. 1008.341, the term "home school" means the school
78 to which the student would be assigned if the student were not
79 assigned to an alternative school. If an alternative school
80 chooses to be graded under this section, student performance
81 data for eligible students identified in this subparagraph shall
82 not be included in the home school's grade but shall be included
83 only in the calculation of the alternative school's grade. A
84 school district that fails to assign the FCAT scores of each of
85 its students to his or her home school or to the alternative
86 school that receives a grade shall forfeit Florida School
87 Recognition Program funds for 1 fiscal year. School districts
88 must require collaboration between the home school and the
89 alternative school in order to promote student success. This
90 collaboration must include an annual discussion between the
91 principal of the alternative school and the principal of each
92 student's home school concerning the most appropriate school
93 assignment of the student.

94 4. Beginning with the 2009-2010 school year for schools
95 comprised of high school grades 9, 10, 11, and 12, or grades 10,
96 11, and 12, the data listed in subparagraphs 1.-3. and the
97 following data as the Department of Education determines such
98 data are valid and available:

99 a. The high school graduation rate of the school as
100 calculated by the Department of Education;

101 b. The participation rate of all eligible students
102 enrolled in the school and enrolled in College Board Advanced

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103 Placement courses; International Baccalaureate courses; dual
104 enrollment courses; Advanced International Certificate of
105 Education courses; and courses or sequence of courses leading to
106 industry certification, as determined by the Agency for
107 Workforce Innovation under s. 1003.492(2) in a career and
108 professional academy, as described in s. 1003.493;

109 c. The aggregate scores of all eligible students enrolled
110 in the school in College Board Advanced Placement courses,
111 International Baccalaureate courses, and Advanced International
112 Certificate of Education courses;

113 d. Earning of college credit by all eligible students
114 enrolled in the school in dual enrollment programs under s.
115 1007.271;

116 e. Earning of an industry certification, as determined by
117 the Agency for Workforce Innovation under s. 1003.492(2) in a
118 career and professional academy, as described in s. 1003.493;

119 f. The aggregate scores of all eligible students enrolled
120 in the school in reading, mathematics, and other subjects as
121 measured by the SAT, the ACT, and the common placement test for
122 postsecondary readiness;

123 g. The high school graduation rate of all eligible at-risk
124 students enrolled in the school who scored at Level 2 or lower
125 on the grade 8 FCAT Reading and Mathematics examinations;

126 h. The performance of the school's students on statewide
127 standardized end-of-course assessments administered under s.
128 1008.22; and

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129 i. The performance of students on standardized end-of-
130 course assessments, as available, in visual arts, music, dance,
131 and theatre courses; and

132 ~~j.i.~~ The growth or decline in the data components listed
133 in sub-subparagraphs a.-i. ~~a.-h.~~ from year to year.

134
135 The State Board of Education shall adopt appropriate criteria
136 for each school grade. The criteria must also give added weight
137 to student achievement in reading. Schools designated with a
138 grade of "C," making satisfactory progress, shall be required to
139 demonstrate that adequate progress has been made by students in
140 the school who are in the lowest 25th percentile in reading,
141 mathematics, or writing on the FCAT, unless these students are
142 exhibiting satisfactory performance. Beginning with the 2009-
143 2010 school year for schools comprised of high school grades 9,
144 10, 11, and 12, or grades 10, 11, and 12, the criteria for
145 school grades must also give added weight to the graduation rate
146 of all eligible at-risk students, as defined in this paragraph.
147 Beginning in the 2009-2010 school year, in order for a high
148 school to be designated as having a grade of "A," making
149 excellent progress, the school must demonstrate that at-risk
150 students, as defined in this paragraph, in the school are making
151 adequate progress.

152 Section 2. This act shall take effect July 1, 2010.

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Amendment No. 01

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to student achievement in fine arts courses;
amending s. 1008.34, F.S.; revising the basis for the
designation of school grades to include performance of students
who are enrolled in fine arts courses; requiring that the
Department of Education, in coordination with Florida
professional arts education associations, develop the
assessments, subject to available funding; requiring that field
testing of the assessments be completed and the results of such
testing be reported within a specified period after funding
becomes available; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PT 10-02 Education Personnel
SPONSOR(S): PreK-12 Policy Committee
TIED BILLS: IDEN./SIM. BILLS: SB 6

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee		Beagle GB	Ahearn <i>[Signature]</i>
1)				
2)				
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SUMMARY ANALYSIS

The bill requires school districts to adopt performance appraisals for instructional personnel and school administrators that differentiate among four levels of performance: unsatisfactory, needs improvement, effective, and highly effective. Beginning with the 2014-2015 school year, more than 50 percent of an employee's performance appraisal must be based upon student learning gains. Learning gains will be measured by existing statewide assessments or Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and industry certification examinations. School districts must develop or acquire end-or-course assessments to measure learning gains in subjects and grade-levels not tested by these examinations.

The bill requires school districts to adopt a salary schedule that compensates instructional personnel solely based on performance appraisals; prohibits districts from using years of service or degrees-held in setting salary schedules; and requires districts to adopt a salary adjustment for awarding differentiated pay. Districts must adopt a separate salary schedule for beginning teachers, out-of-state certified teachers, and certified classroom teachers who have not taught during the previous certification period.

The bill eliminates professional service contracts for classroom teachers hired on or after July 1, 2010. Instead, such teachers may receive one probationary contract and up to four annual contracts. Among other things, a classroom teacher must be rated as effective or highly effective in two out of the three preceding year's performance appraisals in order to receive an annual contract in the sixth and subsequent years. The bill adds poor performance, as demonstrated by a lack of student learning gains, as a "just cause" grounds for dismissing a classroom teacher during the term of an annual contract.

The bill establishes a performance fund that school districts and charter schools must use to implement end-of-course assessments and teacher contract and compensation reforms and creates a narrow exemption. Districts and charter schools not in compliance with these requirements are subject to withholding of the amount of the performance funds, which is five percent of the total state, local, and federal funds determined by the Florida Education Finance Program.

The bill requires holders of out-of-state teaching certificates to demonstrate subject area mastery; requires temporary certificate-holders to demonstrate subject area mastery within one year of employment; eliminates lifetime certificate renewal for National Board certified teachers; and conditions certificate renewal upon demonstration of effective or highly effective performance on four out of five performance appraisals during the previous certification period. The bill conditions continued approval of state approved teacher preparation programs upon demonstration that program graduates produce student learning gains. The bill repeals the Merit Award Program and phases out the Dale Hickam Excellent Teaching Program for National Board certified teachers.

The bill will have an indeterminate fiscal impact on the DOE and school districts. See Fiscal Analysis & Economic Impact Statement.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Teacher Quality

Overview

Experts agree that teacher quality is the most important school-level variable influencing student achievement. A study that examined the cumulative and residual effects of teacher quality on student performance found that standardized mathematics assessment scores for students who were taught by a low-performing teacher for three consecutive years were 53 percentile points lower than those of students who were taught by a high-performing teacher for three consecutive years. Further, the study showed that being taught by a low-performing teacher for even one year had a negative impact on long-term student achievement.¹

With this in mind, the National Council on Teacher Quality (NCTQ), a nonpartisan research and advocacy group, publishes an annual State Teacher Policy Yearbook grading every state on how the state prepares, recruits, and evaluates teachers, as well as how the state uses such evaluation to retain effective teachers and exit ineffective teachers.² In 2009, the NCTQ gave Florida an overall grade of "C." Florida received the highest mark (B-) for how the state expands the pool of teachers, particularly with regard to offering alternative routes to certification for non-traditional teaching candidates. The state received the lowest mark (C-) for identifying effective teachers. The report commended Florida's longitudinal data system, but lamented the state's policy of awarding tenure³ "virtually automatically."

According to the NCTQ, Florida's failure to use annual performance evaluations or any measure of classroom effectiveness as a consideration for making tenure decisions provides a major setback to improving teacher quality. While Florida teachers are subject to annual performance evaluations in which student performance is the "primary" factor,⁴ no evidence of teacher effectiveness is required to

¹ Sanders and Rivers, *Cumulative and Residual Effects of Teachers on Future Student Achievement* (1996), available at <http://www.mccsc.edu/~curriculum/cumulative%20and%20residual%20effects%20of%20teachers.pdf>.

² National Council on Teacher Quality, 2009 State Teacher Policy Yearbook: National Report (2009), available at http://www.nctq.org/stpy09/reports/stpy_national.pdf.

³ Although Florida law does not explicitly use the term "tenure" for K-12 teachers, state law allows a teacher to receive an automatically renewing "professional service contract" after three annual contracts. *See text accompanying infra notes 28-30.*

⁴ The meaning of the term "primary" varies among school districts as does the weight assigned to student performance when evaluating teachers.

earn tenure. According to the NCTQ, classroom effectiveness, not years of experience, should be the primary factor in awarding tenure.⁵

The report recommends a number of reforms, including extending the probationary period and requiring a meaningful evaluation of teacher effectiveness before awarding tenure, tying certification requirements to demonstrated classroom effectiveness, and providing performance pay.⁶

Other national research has echoed similar recommendations. A 2006 policy brief by the Hamilton Project, which is housed at the Brookings Institution, made specific recommendations for improving teacher quality. The recommendations included reducing the barriers to entry into teaching for those without traditional teacher certification, making it harder to promote the least effective teachers to tenured positions, and providing bonuses to highly effective teachers willing to teach in schools with a high proportion of low-income students.⁷

A 2009 report by the Center for American Progress emphasized many of the same ideas. The report recommended supporting alternative teacher certification pathways, reforming teacher pay to reward teachers who improve student achievement, and empowering principals to fire ineffective teachers. The report gave Florida a grade of “F” for its policies related to removing ineffective teachers, based largely on the obstacle of tenure and the length of time and burdensome documentation required.⁸

Performance Assessment

Current Law

Florida law requires each district school superintendent to establish procedures to assess the job performance of district instructional, administrative, and supervisory personnel.⁹ The Department of Education (DOE) must approve each school district’s performance assessment system.¹⁰ The following conditions must be considered in the design of the performance assessment system:

- The system must be designed to support district- and school-level improvement plans.
- The system must provide appropriate instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.
- The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments, when appropriate.
- In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.
- District school boards may establish a peer assistance process, a mechanism for assisting persons placed on probation, and offer assistance to employees who request it.
- District school boards must provide training programs that are based upon guidelines provided by the DOE to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures.¹¹

A performance assessment must be conducted at least once per year for all instructional personnel¹² and school administrators.¹³ The annual performance assessment must be based upon sound

⁵ National Council on Teacher Quality, 2009 State Teacher Policy Yearbook: Florida, 78-80 (2009) available at http://www.nctq.org/stpy09/reports/stpy_florida.pdf

⁶ *Id.*

⁷ The Brookings Institution, *Identifying Effective Teachers Using Performance on the Job* (April 2006), available at http://www.brookings.edu/~media/Files/rc/papers/2006/04education_gordon/200604hamilton_1.pdf

⁸ Center for American Progress, *Leaders and Laggards: A State-by-State Report Card on Educational Innovation* (November 2009), available at http://www.americanprogress.org/issues/2009/11/pdf/leaders_and_laggards.pdf.

⁹ “Supervisory personnel” is not defined in ch. 1012, F.S.

¹⁰ Section 1012.34(1), F.S.

¹¹ Section 1012.34(2), F.S.

¹² Instructional personnel provide direct instructional services or direct instructional support to students in grades K-12. Instructional personnel include classroom teachers; staff who provide student personnel services (e.g., guidance counselors, social workers, career specialists, and school psychologists); librarians and media specialists; other instructional staff (e.g., learning resource specialists); and

educational principles and contemporary research in effective educational practices.¹⁴ The performance assessment criteria must include, but are not limited to, indicators related to the following:

- Performance of students.
- Ability to maintain appropriate discipline.
- Knowledge of subject matter.
- Ability to plan and deliver instruction and the use of technology in the classroom.
- Ability to evaluate instructional needs.
- Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
- Other professional competencies, responsibilities, and requirements established by the State Board of Education (SBE) and policies of the district school board.¹⁵

The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. Student performance must be measured by statewide assessments and by local assessments for subjects and grade levels not measured by the state assessment program.¹⁶ The term "primarily based" is not defined in statute or rule. Thus, the weight assigned to student performance varies among school districts.¹⁷

SBE rule establishes three performance designations for instructional personnel and school administrators: unsatisfactory, satisfactory, and outstanding.¹⁸ While student performance is the primary factor considered in assessing performance, a school district may charge an employee with unsatisfactory performance for reasons other than poor student performance.¹⁹

During the 2008-2009 school year, 237,868 teachers were evaluated in 77 school districts (includes lab schools). Districts reported that 99.74 percent of teachers received satisfactory (or higher) ratings.²⁰ More than half of the districts reported that 100 percent of teachers received satisfactory ratings.²¹

education paraprofessionals. Classroom teachers provide classroom instruction to students, including basic instruction, exceptional student education, career education, and adult education. Section 1012.01(2), F.S.

¹³ Administrative personnel perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

¹⁴ Section 1012.34(3), F.S.

¹⁵ Section 1012.34(3)(a), F.S. The Educator Accomplished Practices are adopted in rule and include include several competencies and skills that are essential to effective teaching. Rule 6A-5.065, F.A.C. Likewise, the Florida Principal Leadership Standards provide the essential competencies and skills for school administrators. Rule 6A-5.080, F.A.C.

¹⁶ Section 1012.34(3), F.S. The state's assessment program for public schools is the Florida Comprehensive Assessment Test. *See* § 1008.22, F.S.

¹⁷ Florida Department of Education, *Legislative Bill Analysis for SB 6* (2010).

¹⁸ Rule 6B-4.010(1)(c)2., F.A.C.

¹⁹ Section 1012.34(3), F.S. In 2004, the Legislature amended this section to clarify that an employee may be charged with unsatisfactory performance based on performance deficiencies other than student performance (e.g., failure to maintain appropriate discipline, failure to plan instruction, failure to teach assigned subject matter, etc.). Section 11, ch. 2004-295, L.O.F. Prior to this clarification, some Florida courts construed this section to require the charge of unsatisfactory performance to be based solely on student performance. *See Sherrod v. Palm Beach County School Board*, 963 So. 2d 251 (4th D.C.A. 2006) and *Young v. Palm Beach County School Board*, 968 So. 2d 38 (4th D.C.A. 2006).

²⁰ Districts report data by instructional staff member as to satisfactory/unsatisfactory evaluations to the Automated Staff Information Database. Email from Department of Education staff (March 4, 2010).

²¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010). A total of 39 districts reported 100 percent of teachers receiving satisfactory ratings. Those districts are (total number of teachers): Baker (586), Bay (1,671), Bradford (251), Broward (26,476), Calhoun (311), Clay (3,179), DeSoto (421), Escambia (3,827), Flagler (1,280), Franklin (169), Gadsden (589), Gilchrist (306), Glades (131), Gulf (226), Hendry (420), Hillsborough (19,599), Holmes (363), Jackson (773), Jefferson (146), Madison (282), Marion (2,966), Miami-Dade (31,616), Nassau (1,004), Pasco (6,937), Santa Rosa (2,376), Sarasota (4,086), Seminole (5,631), Suwannee (542), Taylor (344), Volusia (1,636), Wakulla (457), Walton (974), Washington (438), Florida School for the Deaf and the Blind (123), Arthur G. Dozier School for Boys (46), Florida Virtual School (993), Florida A&M University Lab School (49), Florida Connections Academy (21), and Florida Virtual Academy (13).

Given that no school district had more than 68 percent of its students make learning gains in reading in 2008-2009,²² it is questionable how 100 percent of teachers in *any* district are rated as satisfactory.

Effect of Proposed Changes

The bill requires school districts to evaluate beginning teachers, teachers who hold a valid professional certificate from another state, and teachers with a Florida professional certificate who have not taught in the classroom at any time during the previous five years at least twice in the first year of teaching in a Florida public school. The performance of other employees must be evaluated at least once per year.

Under the bill, each district's performance appraisal system must differentiate among four rating categories: unsatisfactory, needs improvement, effective, and highly effective. The Commissioner of Education (Commissioner) must consult with performance pay experts and classroom teachers in developing the rating categories. Beginning with the 2014-2015 school year and thereafter, instructional personnel and school administrators may not be rated as effective or highly effective if their students fail to demonstrate learning gains.

The bill establishes two categories of performance appraisal criteria for instructional personnel and school administrators. Instructional personnel are evaluated based on student performance and instructional practice. School administrators are evaluated based on student performance and instructional leadership. Instructional practice criteria are based on the Florida Educator Accomplished Practices. Instructional leadership criteria are based on the Florida Principal Leadership Standards. These practices and standards must be adopted by the SBE in rule.

Beginning July 1, 2010, more than 50 percent of the evaluation for instructional personnel and school administrators must be based upon student *performance*. Student performance will be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, local assessments. This provision expires July 1, 2014.

Beginning with the 2014-2015 school year, more than 50 percent of the performance appraisal for instructional personnel and school administrators will be based upon student *learning gains*. The bill authorizes districts to use student assessment results from the preceding three years to measure learning gains.

For classroom teachers, student performance and learning gains will be based on students assigned to their classroom. For school administrators and instructional personnel who are not classroom teachers, student performance and learning gains will be based on students assigned to the school.

Student learning gains will be measured by existing statewide assessments or Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and industry certification examinations. For subject areas and grade levels that are not tested by these examinations, districts must develop or acquire valid and reliable end-of-course assessments to measure student learning gains.

Each performance appraisal system must include processes for monitoring the effective and consistent use of the appraisal criteria by supervisors and administrators and for evaluating the overall effectiveness of the system. The bill adds provisions authorizing an employee on annual contract who receives an unsatisfactory performance appraisal to request a review of the appraisal by the district school superintendent. The superintendent is authorized, but not required, to review the appraisal.

The bill requires the DOE to approve each school district's performance appraisal system and appraisal instruments for instructional personnel and school administrators. The DOE must collect from each school district the performance ratings of all instructional personnel and school administrators and report the percentage of each of these employees receiving each rating category by school and by

²² Florida Department of Education, *School Accountability Reports*, <http://schoolgrades.fldoe.org/default.asp> (last visited March 5, 2010).

district to the Governor and the Legislature. The SBE must adopt rules establishing the method for calculating rates of student learning tied to the four rating categories.

Contracts for Instructional Personnel

Current Law

Instructional personnel newly hired on or after July 1, 1984, may earn a professional service contract²³ if the employee completes three years of probationary service in the same school district during a period of not more than five successive years, except for leave duly authorized and granted.²⁴ The probationary service period may be extended to four years if agreed upon in writing by the district school board and the employee.²⁵

During the probationary service period, employees are employed under annual contracts, which are not required to be renewed after each year.²⁶ For instructional personnel employed after June 30, 1997, the first annual contract includes a 97-day period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract.²⁷

Upon completion of the probationary period, the employee is eligible to receive a professional service contract if he or she:

- Holds a professional teaching certificate;²⁸ and
- Is recommended by the district school superintendent for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.²⁹

A professional service contract, unlike an annual contract, must be renewed each year unless the district school superintendent charges the employee with unsatisfactory performance based on his or her annual performance assessment.³⁰ The law provides extensive due process procedures for holders of professional service contracts who are charged with unsatisfactory performance. The evaluator must notify the employee of unsatisfactory performance in writing and confer with the employee to discuss the performance evaluation.³¹ Thereafter, the employee must be placed on performance probation for a period of 90 days. While on performance probation, the employee must be periodically evaluated, given performance feedback, and provided assistance and inservice opportunities targeted to correcting performance deficiencies.³² After the close of the 90-day period, the evaluator must determine whether the performance deficiencies have been corrected and make a recommendation to the district school superintendent regarding retention or termination of the employee. After considering the evaluator's recommendation, the superintendent must make a final recommendation on retention or termination to the school board. An employee who wishes to contest the superintendent's recommendation is entitled to a hearing. The school board may choose to conduct its own hearing or provide for a hearing before an administrative law judge.³³ The employee may appeal an adverse hearing result in state appellate court.³⁴

All contracts must contain provisions for dismissal during the term of the contract only for just cause. Just cause includes immorality, misconduct in office, incompetency, gross insubordination, willful

²³ See text accompanying *infra* notes 28-34.

²⁴ Section 1012.33(3)(a)2., F.S.

²⁵ Section 1012.33(3)(c), F.S.

²⁶ Section 1012.33(3)(a), F.S.

²⁷ Section 1012.33(3)(a)4., F.S.

²⁸ Section 1012.33(3)(a)1., F.S.

²⁹ Section 1012.33(3)(a)3., F.S.

³⁰ Sections 1012.33(3)(e) & 1012.34(3)(c) & (d), F.S.

³¹ Section 1012.34(3)(d)1., F.S.

³² Section 1012.34(3)(d)2.a., F.S.

³³ Section 1012.34(3)(d)2.b., F.S.

³⁴ Section 120.68, F.S.

neglect of duty, being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, as defined by SBE rule.³⁵

Each employee with a written contract must serve the full term of the contract unless released from the contract by the district school board. An employee who breaches this requirement is subject to discipline by the Education Practices Commission.³⁶

If a district school board, when making staff reductions, must choose between retaining employees who hold continuing contracts or those holding professional service contracts, such decision must be made in accordance with a collectively bargained agreement or, in the absence of such an agreement, district school board rule.³⁷

During the 2008-2009 school year, 11,620 teachers left teaching positions in Florida, with 3,554 resigning involuntarily. Of the teachers who resigned involuntarily, 214 were released by the end of the 97-day probationary period, 348 were terminated for performance-related reasons, 570 had professional service or continuing contracts terminated as a result of workforce reduction, and 2,422 did not have annual contracts renewed and were not reappointed.³⁸

Effect of Proposed Changes

The bill eliminates professional service contracts for classroom teachers hired on or after July 1, 2010. Each beginning classroom teacher will receive a one-year probationary contract in his or her first year of teaching, during which time the teacher may be terminated without cause or resign without breach of contract.

Upon expiration of the one-year probationary contract, a classroom teacher may receive up to four annual contracts if the teacher holds a professional certificate and is recommended by the superintendent and approved by the district school board. In order to receive an annual contract in the sixth year of teaching and thereafter, a classroom teacher must meet the aforementioned requirements and document effective or highly effective performance on annual performance appraisals in at least two of the preceding three years.

A classroom teacher hired on or after July 1, 2010, may be suspended or dismissed at any time during the term of an annual contract for "just cause." Like professional service contracts, the bill establishes grounds for "just cause" suspension or termination that include immorality; misconduct in office; incompetency; gross insubordination; willful neglect of duty; and being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication, any crime involving moral turpitude. Unlike professional service contracts, the bill adds poor performance, as demonstrated by a lack of student learning gains, as a "just cause" grounds for terminating or suspending an annual contract during its term. The SBE is required to adopt rules defining "just cause."

The district school board must notify in writing a classroom teacher who is so charged and may suspend him or her without pay. If the charges are not sustained, the classroom teacher must be immediately reinstated and paid back pay.

The bill requires a district school board, when making staff reductions, to base decisions regarding whether to retain employees who hold continuing contracts³⁹ or professional service contracts on the employee's performance as determined on annual performance appraisals. This provision applies to contracts that are newly entered into, extended, or readopted on or after July 1, 2010, and to all contracts on or after July 1, 2013.

³⁵ Section 1012.33(1)(a), F.S.; Rule 6B-4.009, F.A.C.

³⁶ Section 1012.33(2), F.S.

³⁷ Section 1012.33(5), F.S.

³⁸ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

³⁹ Continuing contracts were replaced by professional service contracts effective July 1, 1984. Section 1012.33(3)(d), F.S.

Compensation and Salary Schedules

Current Law

Florida law requires district school boards to adopt and use a salary schedule in setting the compensation for district employees. Salary schedules for instructional personnel must partially base each employee's compensation on performance, as measured by annual performance assessments. In addition, the district must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.⁴⁰ In developing a salary schedule, a school district is required to seek input from parents, teachers, and representatives of the business community.⁴¹ Salary schedules for instructional personnel must include differentiated pay based on district-determined factors, including additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.⁴²

School districts bargain collectively with the certified bargaining agent chosen by their employees regarding wages, hours, and terms and conditions of employment.⁴³ Salary schedules for instructional personnel are specifically subject to collective bargaining.⁴⁴

In 2008-2009, the statewide average teacher salary was \$45,938, with a statewide average beginning teacher salary of \$34,606. In addition, the state funded over \$272 million in bonus programs.⁴⁵

Effect of Proposed Changes

Effective July 1, 2014, the bill requires each district school board to adopt a salary schedule that compensates employees based on performance. Length of service or degrees held may not be used in setting the salary schedule.

In determining salary adjustments for instructional personnel, school boards must base each employee's salary adjustment on performance demonstrated on annual performance appraisals. The bill requires each school board to adopt a salary adjustment for differentiated pay for both instructional personnel and school administrators based upon:

- Assignment to a high priority location area;
- Certification and teaching in a critical teacher shortage area; or
- Assignment of additional academic responsibilities.

Continued differentiated pay is contingent upon documentation of performance on annual performance appraisals.

The bill requires each district school board to adopt a separate salary schedule for beginning teachers, teachers who hold a valid professional certificate from another state, and teachers who hold a valid Florida professional certificate, but who have not taught in the classroom at any time during the previous certification period. The bill defines "beginning teacher" as a classroom teacher with no prior K-12 teaching experience. This salary schedule is effective for the first year the teacher provides instruction in Florida public schools.

⁴⁰ Sections 1011.60(4), 1012.22(1)(c)2. & 1012.27(2), F.S.

⁴¹ Sections 1012.22(1)(c)3. & 1012.27(2), F.S.

⁴² Section 1012.22(1)(c)4., F.S.

⁴³ Sections 447.203(2) & 447.309(1), F.S.; see Florida Public Employees Relations Commission, *Scope of Bargaining* (2d ed. Sept. 2005), available at http://perc.myflorida.com/pubs/Scope_of_Bargaining.pdf (Introduction). Section 6, Art. I of the State Constitution establishes the right of employees to collectively bargain: "The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."

⁴⁴ Section 1012.22(1)(c)4., F.S.

⁴⁵ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

Merit Award Program

Current Law

The Merit Award Program (MAP) provides merit-based pay supplements for high-performing school employees in participating school districts.⁴⁶ A school district that participates in MAP must be able to administer end-of-course examinations in all grade groupings and subjects for any year in which the district participates in the program.⁴⁷ In 2009, the Legislature provided \$20 million for the program.⁴⁸ According to the DOE, four school districts and 180 charter schools participated in MAP during the 2008-2009 school year.⁴⁹

Effect of Proposed Changes

The bill repeals the MAP and related statutory provisions.

Charter Schools

Current Law

Charter schools are generally exempt from the Florida K-20 Education Code (Chapters 1000-1013, F.S.), except statutes specifically stating that they apply to charter schools and statutes pertaining to: student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety, and welfare; public records, public meetings, and public inspection; and criminal and civil penalties. Charter schools are not specifically subject to statutory provisions pertaining to instructional personnel and school administrator performance appraisals and contracts.⁵⁰

Effect of Proposed Changes

The bill prohibits charter schools from awarding professional service contracts to any classroom teacher hired on or after July 1, 2010. Beginning with the 2014-2015 school year and thereafter, a charter school must adopt a salary schedule that compensates instructional personnel and school administrators based on performance. Salary adjustments must also be performance-based, and charter schools are prohibited from awarding compensation based on length of service or degrees held.

The bill requires charter schools to administer end-of-course assessments in subjects and grade levels that are not tested by statewide assessments or AP, IB, AICE, or industry certification examinations. Charter schools must maintain the security and integrity of such assessments. In addition, each charter school must adopt a performance appraisal system for instructional personnel and school administrators in the same manner as school districts.

District End-of-Course Assessments

Effect of Proposed Changes

The bill requires school districts to develop or acquire valid and reliable end-of-course assessments to measure student learning gains in subject areas and grade levels that are not tested on existing statewide assessments or AP, IB, AICE, or industry certification examinations. Implementation of the district end-of-course assessments occurs in the 2013-2014 school year. Each district school superintendent is responsible for the security of the assessments and must certify the integrity of the exam process to the Commissioner. The superintendent may be removed if his or her certification is determined to be invalid by an audit by the Auditor General or investigation by the Commissioner. The bill requires the Commissioner to identify methods to support school districts in the development or

⁴⁶ Section 1012.225, F.S.

⁴⁷ Section 1012.2251, F.S.

⁴⁸ Specific Appropriation 76, § 2, ch. 2009-81, L.O.F.

⁴⁹ Florida Department of Education, *Legislative Bill Analysis for SB 6* (2010).

⁵⁰ Section 1002.33(16), F.S.

acquisition of the assessments. Such methods may include developing item banks, facilitating the sharing of assessments among districts, and providing technical assistance.

Teacher Quality Accountability

Effect of Proposed Changes

Beginning in the 2011-2012 school year, the bill requires the Commissioner to calculate at the time of the second Florida Education Finance Program (FEFP) calculation an amount of state funds equivalent to five percent of the total state, local, and federal funding determined by the FEFP for each school district and charter school. This amount is the district's or charter school's Performance Fund for Instructional Personnel and School-Based Administrators (Performance Fund). The Commissioner must distribute the Performance Fund as part of each district's or charter school's total allocation of operating funds.

The Performance Fund must be used by districts and charter schools for implementing bill requirements regarding salary schedules for instructional personnel and school administrators, performance appraisals, and end-of-course assessments. Such funds may not be used to increase the base salaries or salary adjustments of employees rated as unsatisfactory or needs improvement. A salary increase awarded from these funds must be awarded in addition to any general increase or other adjustments to salaries.

The bill establishes procedures for reviewing school district compliance with the bill's salary schedule and end-of course assessment requirements. Beginning with the 2014-2015 fiscal year, each district school board must annually submit its salary schedule to the Commissioner for review. Beginning with the 2013-2014 fiscal year, the Commissioner must annually select a sample of school district end-of-course assessments from multiple districts for review. The Commissioner must notify the district if its salary schedule and end-of-course assessment requirements are not in compliance and certify district noncompliance to the Governor and Legislature.

The bill requires the Auditor General or independent auditor to review district compliance with classroom teacher contract requirements in each school district's annual financial audit. The auditor must select a sample of the district's contracts for classroom teachers hired on or after July 1, 2010. The auditor must document violations of classroom teacher contract requirements to the Commissioner. The Commissioner must report district noncompliance with such requirements to the Governor, Legislature, and the school district.

Each charter school must certify compliance with statutory provisions governing performance appraisals, salary schedules, end-of-course assessments, and contracts for classroom teachers hired on or after July 1, 2010. The Commissioner must annually select a sample of charter schools and determine compliance with these requirements. The Commissioner must notify the charter school's governing board and sponsor of noncompliance and certify such noncompliance to the Governor and Legislature.

Districts that are not in compliance with salary schedule, end-of-course assessment, or classroom teacher contracting requirements are subject to a funding adjustment in an amount equal to the district's Performance Fund. The funding adjustment will be implemented through the withholding of undistributed funds to which the district is otherwise entitled. If undistributed funds are insufficient to cover the funding adjustment, the unsatisfied balance must be withheld from the district's operating funds for the subsequent fiscal year in the form of a prior year adjustment. Charter schools that do not comply with performance appraisal, salary schedule, end-of-course assessment, or classroom teacher contracting requirements are also subject to a funding adjustment in an amount equivalent to five percent of the total state, local, and federal funding determined by the Florida Education Finance Program.

The bill requires the SBE to adopt rules for implementing the Performance Fund. Such rules include documentation requirements; processes and criteria for determining compliance with performance

appraisal, salary schedule, and end-of-course assessment requirements; and reporting and monitoring to ensure that Performance Funds are used for authorized purposes.

Annual Exemption

Effect of Proposed Changes

A school district that received a grant of at least \$75 million from a private foundation⁵¹ for the purpose of improving the effectiveness of teachers within the school district may annually request from the SBE an exemption from bill provisions related to performance pay, performance appraisals, end-of-course assessments, and the Performance Fund. To be granted an exemption, the district must demonstrate that it is implementing:

- A teacher appraisal system that uses student performance as its most significant evaluation factor;
- A teacher compensation system that awards salary increases based on sustained student performance; and
- A teacher contract system that awards contracts based on student performance.

The SBE must adopt rules establishing a procedure for obtaining the exemption.

Academically High-Performing School Districts

Current Law

Academically high-performing school districts are generally exempt from the Florida K-20 Education Code (chs. 1000-1013, F.S.), except statutes pertaining to: student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety, and welfare; election and compensation of school board members; school finance, planning and budgeting; differentiated and performance pay; professional service contracts; educational facilities; and instructional materials. In some cases, specified statutes within these broad categories are eligible for exemption.⁵²

Effect of Proposed Changes

The bill requires academically high-performing school districts to comply with provisions governing contracts for classroom teachers hired on or after July 1, 2010, and performance appraisals for instructional personnel and school administrators.

Educator Certification

Current Law

Classroom teachers and other instructional personnel must be certified.⁵³ The purpose of certification is to protect the educational interests of students, parents, and the public at large by assuring that Florida's teachers are professionally qualified.⁵⁴

There are two types of educator certificates issued to instructional personnel: the professional certificate and the temporary certificate.⁵⁵ The professional certificate is valid for five years and is

⁵¹ On November 19, 2009, the Hillsborough County School District received a \$100 million grant award from the Bill and Melinda Gates Foundation. Funds from this grant will be used to implement reforms for the improvement of teacher effectiveness.

⁵² Section 1003.621, F.S.

⁵³ Section 1012.55(1), F.S. In addition, a school supervisor, school principal, library media specialist, school counselor, or athletic coach must be certified. *Id.*

⁵⁴ Section 1012.54, F.S.

⁵⁵ Section 1012.56(7), F.S. The DOE also issues certificates for athletic coaches and teachers of the speech and language impaired. These certificates differ from standard professional and temporary certificates. There are two types of athletic coaching certificates:

renewable.⁵⁶ The temporary certificate enables individuals who have not met all of the requirements for professional certification to teach while working towards full certification.⁵⁷ It is valid for three years and is nonrenewable.⁵⁸

Florida law specifies several basic requirements that applicants must meet in order to receive either a professional or temporary certificate. Applicants must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. Constitution and the State Constitution;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a DOE-approved nonaccredited institution.
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.⁵⁹

There are additional requirements for each type of certificate. Before a professional certificate may be issued, an applicant must:

- Demonstrate mastery of general knowledge;⁶⁰
- Demonstrate mastery of subject area knowledge;⁶¹ and
- Demonstrate mastery of professional preparation and education competence.⁶²

An applicant seeking a temporary certificate must:

- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁶³ and
- Do one of the following:
 - Demonstrate mastery of subject area knowledge; or
 - Complete the required degree or content courses specified in SBE rule for subject area specialization.⁶⁴

Within one calendar year after employment under a temporary certificate, an educator must demonstrate mastery of general knowledge in order to remain employed in a position that requires a certificate.⁶⁵

one is valid for five years and is renewable, and the other is valid for three years and is nonrenewable. *See* Rule 6A-4.004(4), F.A.C. The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach. Section 1012.55(2), F.S. The DOE also issues a nonrenewable two-year temporary certificate and a nonrenewable five-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; Rule 6A-4.004(3), F.A.C.

⁵⁶ Section 1012.56(7)(a), F.S.; *see* Rule 6A-4.0051(3)(c), F.A.C.

⁵⁷ *See* Rule 6A-4.004(1)(a), F.A.C.

⁵⁸ Section 1012.56(7), F.S.; Rule 6A-4.004(1)(a), F.A.C.

⁵⁹ Section 1012.56(2)(a)-(f), F.S.

⁶⁰ Section 1012.56(2)(g) & (3), F.S.

⁶¹ Section 1012.56(2)(h) & (5), F.S.

⁶² Section 1012.56(2)(i) & (6), F.S.

⁶³ Section 1012.56(1)(b), F.S.; Rule 6A-4.004(1)(a)2., F.A.C. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. Section 1012.56(8), F.S. In addition to a professional education competence demonstration program, an educator may attend an Educator Preparation Institute to demonstrate mastery of professional preparation and education competence. Section 1004.85(3)(d), F.S.

⁶⁴ Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

Reciprocity is granted to teachers who hold a valid professional standard teaching certificate for a subject area issued by another state,⁶⁶ the National Board of Professional Teaching Standards (NBPTS),⁶⁷ or an SBE-approved national educator credentialing board.⁶⁸ These individuals are deemed to have met the requirements for Florida professional certification, including mastery of general knowledge, subject area knowledge, and professional preparation and education competence.⁶⁹

In the case of a teaching certificate issued by another state, the certificate must be comparable to a Florida Professional Certificate, cover a subject area that is comparable to a Florida certification subject, and require the same or higher level of training as the Florida subject area certification.⁷⁰

In 2008-2009, Florida issued approximately 24 percent of initial certificates based on reciprocity. This includes teachers with teaching certificates from out of state (2,501), teachers who completed an out-of-state teacher preparation program (814), and teachers with certificates issued by the NBPTS (8) and the American Board for Certification of Teacher Excellence (162).⁷¹

Effect of Proposed Changes

The bill revises several requirements related to initial educator certification. Currently, completion of a bachelor's or higher degree from an accredited institution of higher learning or from a DOE-approved nonaccredited institution is a basic requirement for certification. The bill adds provisions authorizing the SBE to adopt rules allowing college course credits recommended by the American Council on Education (ACE)⁷² to satisfy this requirement.

The bill adds successful completion of a professional training program provided by Teach for America⁷³ and achievement of a passing score on the professional education competency examination as a method for demonstrating mastery of professional preparation and education competence.

Under the bill, a temporary certificate-holder must pass a subject area examination within one calendar year of employment. This requirement may be extended to two years under extenuating circumstances such as illness or injury.

The bill adds a requirement that teachers who hold valid professional teaching certificates from other states must demonstrate mastery of subject area knowledge to obtain a Florida professional certificate.

⁶⁵ Section 1012.56(7), F.S. (flush-left provisions at end of subsection). If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year. *Id.*

⁶⁶ Section 1012.56(5)(e), F.S.; *see* Rules 6A-4.002(1)(i)1.-2. & 6A-4.003, F.A.C. (flush-left provisions following Rule 6A-4.003(2)(e), F.A.C).

⁶⁷ Section 1012.56(5)(f), F.S. According to the DOE, 31 current NBPTS certification subject area coverages currently align with Florida coverages. Florida Department of Education, *NBPTS Certification Subject Areas*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited Feb. 26, 2010).

⁶⁸ Section 1012.56(5)(f), F.S. The American Board for Certification of Teacher Excellence is a national educator credentialing board that has been approved by the SBE. *See* Florida Department of Education, *Bureau of Educator Certification Partnership Manual*, 17-24 (Oct. 16, 2009).

⁶⁹ Section 1012.56(3)(c)-(d), (5)(e)-(f), and (6)(c)-(d), F.S.; Rule 6A-4.002(1)(i)1. & (j), F.A.C. An out-of-state or national certificate is not accepted in Florida at face value. Such individuals must apply for, and obtain, a Florida professional certificate to teach here. Rule 6A-4.002(1)(i), F.A.C.; Florida Department of Education, *Reciprocity for Out-of-State Teachers and Administrators*, <http://www.fldoe.org/edcert/level1.asp> (last visited Feb. 26, 2010).

⁷⁰ Rule 6A-4.002(1)(i), F.A.C.

⁷¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁷² ACE provides various services related to higher education public policy advocacy, accreditation, and research. ACE provides a credit equivalency service that higher education institutions may use to determining transfer credit and equivalent courses. American Council on Education, ACE Credit, <http://www.acenet.edu/AM/Template.cfm?Section=Orgs&Template=/CM/HTMLDisplay.cfm&ContentID=6103> (last visited Mar. 23, 2010).

⁷³ The Teach for America program recruits recent college graduates from various fields to commit to teach for two years in urban and rural public schools. Teach for America teachers receive ongoing teacher training while participating program. Teach for America, *Mission and Approach*, http://www.teachforamerica.org/mission/mission_and_approach.htm (last visited Mar. 23, 2010).

This may be accomplished by passing a subject area examination or by demonstrating subject area mastery by a method provided in SBE rules.

The bill requires the SBE to review the current subject area examinations required for educator certification. The review must ascertain whether the passing scores and rigor of reading instruction required for certification match the expectations for teacher competency in the subject area. If necessary, the SBE may revise passing scores to meet these expectations.

Certification Renewal

Current Law

A professional certificate must be renewed every five years.⁷⁴ The renewal period may be extended to 10 years to enable educators who are certified in three or more subject areas to fulfill the renewal requirements for all subjects.⁷⁵ In general, individual school districts process renewals for their certified employees and the DOE processes renewal applications for other certificate holders, including individuals with expired professional certificates. In 2008-2009 school year, 32,378 certificate holders renewed through their school districts, 5,598 certificate holders renewed through the DOE, and 350 individuals reinstated an expired professional certificate.⁷⁶

Renewal or reinstatement of professional certification is not currently linked to effectiveness on annual performance appraisals. Currently, an educator must submit an application,⁷⁷ pay a fee,⁷⁸ and earn at least six college credits or 120 inservice points to renew professional certification.⁷⁹ At least three college credits or 60 inservice points must be in the educator's subject area. Credits or inservice points may also be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁸⁰ College credits must be earned at an accredited or SBE-approved institution. Inservice points must be earned via participation in SBE-approved school district inservice activities.⁸¹

Certification in subject areas may also be renewed by earning a passing score on the corresponding subject area test.⁸² NBPTS certification is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁸³

An expired professional certificate may be reinstated if the applicant:

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area test for each certification area to be reinstated.⁸⁴

⁷⁴ Section 1012.585(2)(a), F.S.

⁷⁵ Section 1012.585(c), F.S.; Rule 6A-4.0051, F.A.C. Out of 289,863 academic certificate holders, 101,513 are certified in one subject area, 98,786 are certified in two subject areas, and 89,564 are certified in three or more subject areas. Email from Legislative Affairs staff, Florida Department of Education (March 1, 2010, 4:08 PM EST).

⁷⁶ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁷⁷ Rule 6A-4.0051(3)(b), F.A.C. Initial certification applications are generally submitted to DOE. Section 1012.56(1), F.S. District school boards issue certificates for school district employees for renewal of a professional certificate. Rule 6A-4.0012(5)(a), F.A.C.; *see* § 1012.585(1)(a), F.S.

⁷⁸ Rules 6A-4.0012(1)(a)1. & 6A-4.0051(3)(b), F.A.C.

⁷⁹ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C.

⁸⁰ Section 1012.585(3)(a), F.S.

⁸¹ Rule 6A-4.0051(1)(a), F.A.C.; *see* Rule 6A-4.003(1) & (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁸² Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁸³ Section 1012.585(2)(b), F.S.; Rule 6A-4.0051(1)(c), F.A.C.

If the applicant cannot meet the requirements for reinstatement of an expired professional certificate, he or she may be issued, if qualified, a three-year nonrenewable temporary certificate.⁸⁵

Effect of Proposed Changes

Effective July 1, 2014, the bill eliminates lifetime renewal of professional certification for NBPTS certified educators. Beginning with the 2014-2015 school year, all applicants for renewal of a professional certificate must document effective or highly effective performance on annual performance appraisals in at least four out of the preceding five years. The bill requires the SBE to adopt rules defining the process for documenting effective performance and for establishing equivalent options for individuals who have not been evaluated during the previous certification period.

The bill provides that an applicant's professional certificate will expire if he or she is unable to document effective performance. Such individuals may apply for reinstatement of the certificate.

Education Practices Commission

Current Law

The Education Practices Commission (Commission) is authorized to investigate complaints of educator misconduct and may take action to suspend or revoke an educator's certificate if the complaint is substantiated.⁸⁶ Employees or agents of the DOE who investigate or prosecute misconduct by certified educators are not currently allowed access to child abandonment, abuse, or neglect reports held by the Department of Children and Families (DCF).⁸⁷

The Commission is comprised of 25 members. Eight members must be teachers, each with at least five years of teaching experience in the state of Florida; five members must be administrators, one of whom must represent a private school; seven lay citizens, five of whom must be parents and two of whom must be former district school board members; and five sworn law enforcement officials. Commission members are appointed by the SBE.⁸⁸

Effect of Proposed Changes

The bill grants access to child abandonment, abuse, or neglect reports held by the DCF to employees or agents of the DOE who investigate or prosecute misconduct by certified educators. The bill revises the membership requirements for the Commission. Under the bill, the Commission must be comprised of eleven teachers, rather than eight. Teacher members must have at least ten years of experience with at least five years of teaching in the state of Florida. The bill reduces the number of lay citizen members from seven to five, three of whom must be parents of public school students. The bill reduces the number of law enforcement members from five to four. The bill makes the school administrator from a private school an optional, rather than required, member of the Commission.

Initial Teacher Preparation Programs

Current Law

Initial teacher preparation programs (ITP) are offered by a Florida public or nonpublic postsecondary institution, terminate in a bachelor's degree or higher, and enable students to satisfy all requirements for a professional certificate upon program completion. ITPs must be approved by the DOE.⁸⁹ Florida

⁸⁴ Section 1012.585(5), F.S.; Rule 6A-4.0051(3) & (6), F.A.C.

⁸⁵ Rule 6A-4.004(7), F.A.C.

⁸⁶ Sections 1012.795 & 1012.796(1), F.S.

⁸⁷ Section 39.202(2), F.S.

⁸⁸ Section 1012.79(1), F.S.

⁸⁹ Section 1004.04, F.S.; Rule 6A-5.066(1)(a)

law establishes a two-tiered system for approving ITPs: initial approval and continued approval. Each approval period is seven years.⁹⁰ Florida currently has 469 state-approved ITPs.⁹¹

Among other requirements for initial approval, an ITP must require students seeking admission to:

- Achieve a grade point average (GPA) of 2.5 on a 4.0 scale in the general education component of undergraduate studies or complete a baccalaureate degree with a GPA of 2.5 on a 4.0 scale from a college or university accredited by a regional accrediting association defined in SBE rule or a college or university that is approved pursuant to SBE rule;⁹² and
- Demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination (FTCE), the College Level Academic Skills Test, or similar test approved pursuant to SBE rule.⁹³

An ITP may waive these requirements for up to 10 percent of students who seek admission into the program. Students who receive this waiver must be provided with assistance in acquiring the competencies required to successfully obtain educator certification.⁹⁴

Continued approval of ITPs is based on an institutional program evaluation plan (IPEP). An IPEP must be annually reported to the DOE and published for the general public.⁹⁵ The IPEP must document:

- Compliance with student admission requirements;
- Student demonstration of teaching competencies;
- Passage of the FTCE by at least 90 percent of program graduates annually;
- Graduate's satisfaction with their preparedness in the first year of teaching; and
- Employer satisfaction with program graduates.⁹⁶

An ITP must annually report the percent of graduates that obtain full-time teaching employment in the first year after graduation, graduate's average length of stay in full-time teaching positions, and employer satisfaction ratings to the state and general public. A public or private postsecondary institution that provides training for school readiness related professions must annually report graduate's average length of stay and employer satisfaction ratings to the state and general public.⁹⁷

Florida law authorizes state universities and community colleges to establish preteacher and teacher education pilot programs to encourage minority students to pursue careers in education.⁹⁸ Likewise, colleges and universities with DOE-approved teacher preparation programs may establish pilot programs to encourage high-achieving students to pursue a career in education.⁹⁹ According to the DOE, these programs are currently inactive.¹⁰⁰

⁹⁰ Rule 6A-5.066(1)(a), F.A.C.

⁹¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁹² Section 1004.04(4)(b)1., F.S. SBE rule recognizes the following accrediting associations: the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Secondary Schools, the New England Association of Colleges and Secondary Schools, the North Central Association of Colleges and Secondary Schools, the Northwest Association of Secondary and Higher Schools, the Western Association of Colleges and Schools, and accrediting agencies approved by the United States Department of Education. Rule 6A-4.003(1), F.A.C.

⁹³ Section 1004.04(4)(b)2., F.S. Candidates for graduate level programs may use a score earned on the Graduate Record Exam to demonstrate mastery of general knowledge. Rule 6A-5.066(1)(c)2.a., F.A.C.

⁹⁴ Section 1004.04(4), F.S. (flush-left provisions at end of paragraph).

⁹⁵ Section 1004.04(5)(c), F.S.; Rule 6A-5.066(1)(d)1., F.A.C.

⁹⁶ Section 1004.04(5)(a)-(e), F.S.; Rule 6A-5.066(1)(d)1., F.A.C. Employer satisfaction is based on an annual employer survey. Employers must rate each graduate's ability to write, speak, recognize and address student learning difficulties in reading and math, use technology, demonstrate knowledge of state academic standards, and maintain classroom organization and behavioral management. ITPs must guarantee the quality of program graduates during the first two years of teaching or following initial certification, whichever occurs first. If an employer survey indicates dissatisfaction with the graduate, the graduate must be provided remedial training by the ITP. Section 1004.04(5)(e), F.S.

⁹⁷ Section 1004.04(5)(f), F.S.

⁹⁸ Section 1004.04(11), F.S.

⁹⁹ Section 1004.04(12), F.S.

¹⁰⁰ Florida Department of Education, *Legislative Bill Analysis for SB 6 (2010)*.

Of the 5,770 individuals who completed a state-approved ITP in 2007-2008, only 3,092 individuals were employed in instructional positions in Florida in 2008-2009.¹⁰¹

Effect of Proposed Changes

The bill eliminates employer satisfaction with ITP graduates as a condition for continued program approval. Instead, the bill provides that continued program approval for specific teacher preparation programs is contingent upon a determination that public school students taught by program graduates achieved learning gains by statewide assessments. The bill eliminates reporting of employer satisfaction ratings. Instead, ITPs must annually report to the DOE the percentage of graduates whose public school students achieved learning gains. Institutions that provide training for school readiness related professions must annually report to the DOE the percentage of graduates who obtain full-time teaching employment within the first year after graduation.

Current law requires an ITP to provide additional training, at no cost to the graduate or employer, to any program graduate whose employer expresses dissatisfaction with the graduate teaching skills in the first two years of teaching. The bill provides that such training must be provided if the students taught by the graduate fail to make learning gains in the first two years of teaching. To ensure that teacher candidates admitted to ITPs are prepared to enter the field, the bill eliminates provisions authorizing an ITP to waive the GPA and mastery of general knowledge requirements for up to 10 percent of students admitted into its teacher education programs.

The bill repeals the preteacher and teacher education pilot program and pilot programs that DOE states are currently inactive.

Educator Preparation Institutes

Current Law

An Educator Preparation Institute (EPI) is a DOE-approved teacher training program conducted by an eligible postsecondary institution.¹⁰² Thirty Florida postsecondary institutions currently operate an EPI. Twenty-five EPIs are operated by community colleges and five are operated by state universities.¹⁰³

Among other things, an EPI may offer programs designed to enable baccalaureate degree holders and career changers to obtain training in teaching practices and subject area content, participate in field experiences, and become certified to teach.¹⁰⁴ Program participants must:

- Obtain a statement of status of eligibility¹⁰⁵ and meet the basic requirements for educator certification;¹⁰⁶
- Participate in field experiences;
- Demonstrate ability to teach the subject area for which certification is sought and pass the professional education competency examination prior to completion of the program.¹⁰⁷

Instructors at an EPI must hold a master's degree in education or a related field and document teaching experience.¹⁰⁸

¹⁰¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

¹⁰² Section 1004.85(1), F.S.

¹⁰³ Florida Department of Education, *Educator Preparation Institutes*,

<http://www.teachinflorida.com/Preparation/EducatorPreparationInstitutes/tabid/187/Default.aspx> (last visited March 4, 2010).

¹⁰⁴ Section 1004.85(2)(d), F.S.

¹⁰⁵ The DOE provides a statement of status eligibility to each educator certification applicant who does not meet the requirements for a professional certificate. This includes individuals who qualify for a temporary certificate, but not a professional certificate, and individuals who do not qualify for either certificate. The statement of status eligibility must advise the applicant of any requirements that must be met in order to be issued a professional certificate. Section 1012.56(1), F.S.

¹⁰⁶ See *supra* text accompanying note 29.

¹⁰⁷ Section 1004.85(3)(b), F.S.

Each EPI must submit to the DOE an annual performance evaluation documenting program completer's FTCE pass rate, employment rates, longitudinal retention rates, and employer satisfaction surveys. These performance evaluations are used by the DOE to determine continued program approval.¹⁰⁹

Of the 1,374 individuals who completed an EPI program in 2007-2008, only 755 were employed in instructional positions in Florida in 2008-2009.¹¹⁰

Effect of Proposed Changes

The bill requires participants in EPIs to provide a statement of status eligibility indicating eligibility for a temporary certificate prior to admission into the program. Prior to completing the program, participants must complete field experiences, demonstrate mastery of general knowledge, and pass a subject area examination. The bill adds a requirement that the annual program performance evaluation submitted to the DOE include evidence that public school students taught by program graduates made learning gains, as measured by statewide assessment.

Currently, instructors at an EPI must hold a master's degree in education or a related field and document teaching experience. The bill provides that instructors at EPIs must meet the same qualifications as instructors at ITPs who supervise preservice field experiences. Thus, an EPI instructor must have training in clinical supervision, a valid professional teaching certificate, or at least three years of successful teaching experience.

Review of Teacher Preparation Programs

Effect of Proposed Changes

The bill requires the DOE, in collaboration with the Board of Governors, to develop a methodology to determine the cost-effectiveness of ITPs, EPIs, and school district professional education competence demonstration programs. On or before December 1, 2011, the DOE must submit a report to the Governor and the Legislature which provides a methodology for evaluating the cost-effectiveness of teacher preparation programs based on program costs and program outcomes such as completion rates, placement rates in teaching jobs, teacher retention rates, and the academic performance of students taught by program graduates. The report must use this methodology to evaluate the cost-effectiveness of the state's teacher preparation programs and make recommendations to the Legislature regarding program productivity and the allocation of funding.

The Office of Program Policy Analysis and Government Accountability must review the current standards for the continued approval of teacher preparation programs and make recommendations to the Legislature on or before January 1, 2012. The recommendations must include proposed changes to the allocation of state funds to teacher preparation programs.

Preservice Field Experiences

Current Law

Preservice field experiences are a required component of teacher preparation programs offered by ITPs and EPIs. Like an internship, these experiences enable students to obtain classroom teaching experience.¹¹¹ Instructors who supervise preservice field experiences must have training in clinical supervision, a valid professional teaching certificate, or at least three years of successful teaching

¹⁰⁸ Section 1004.85(5), F.S.

¹⁰⁹ Section 1004.85(4), F.S.

¹¹⁰ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

¹¹¹ Section 1004.04(6), F.S.

experience. Teacher preparation programs must select school sites for preservice field experiences that represent diverse demographics.¹¹²

Effect of Proposed Changes

The bill requires preservice field experience programs to provide continuous participation in K-12 classroom settings. The selection of school sites for preservice field experience programs must be based on the instructional skills of the instructor or supervisor with whom the teacher candidate will be placed. Under the bill, this determination is based on the instructor's or supervisor's track record of producing student learning gains.

Teacher Recruitment

Current Law

Florida law authorizes several activities aimed at identifying and fulfilling the state's needs for high-quality teachers. The DOE is required to sponsor a job fair in a central part of the state for prospective educators and employers. The DOE may charge participants a fee not exceeding \$20 per person and may expend funds on mementos, awards, and plaques.¹¹³

Florida law specifies that mathematics, science, and career education are critical teacher shortage areas and requires the SBE to annually identify additional shortage areas.¹¹⁴ For the 2009-2010 school year, the board identified the following critical teacher shortage areas:

- Middle and high school level mathematics, science, and English/language arts;
- Reading;
- Exceptional Student Education (ESE) programs;
- English for Speakers of Other Languages (ESOL);
- Foreign languages; and
- Technology education/industrial arts.¹¹⁵

The SBE may also identify a high-priority location area as a critical teacher shortage area. These areas may include low socio-economic status urban and rural schools with high levels of faculty attrition, economically disadvantaged students, and students receiving free and reduced price lunches. Teacher characteristics such as ethnic background, race, and gender may also be considered in designating critical shortage areas.¹¹⁶

A tuition reimbursement program and a student loan forgiveness program have been established to address the need for additional teachers in these critical teacher shortage areas.¹¹⁷ The Critical Teacher Shortage Tuition Reimbursement Program provides tuition reimbursement for college courses in limited teacher shortage areas taken by a full-time public school employee or a laboratory school employee certified to teach in Florida.¹¹⁸ The Critical Teacher Shortage Loan Forgiveness Program provides for repayment of the borrowed principal of college student loans to a first-time teacher earning certification in a critical teacher shortage area.¹¹⁹ The Florida Teacher Scholarship and Forgivable Loan

¹¹² Section 1004.04(6), F.S.

¹¹³ Section 1012.05(4), F.S.

¹¹⁴ Section 1012.07(1), F.S.; *see also* s. 1009.57(1), F.S.

¹¹⁵ Florida Department of Education, *Critical Teacher Shortage Areas 2009-2010*, 1 (Dec. 2008), available at <http://www.fldoe.org/evaluation/pdf/crit1200.pdf>; *see* Rule 6A-20.0131, F.A.C.

¹¹⁶ Section 1012.07(1), F.S.

¹¹⁷ Sections 1009.54, 1009.57, 1009.58, and 1009.59, F.S.

¹¹⁸ Section 1009.58, F.S.; *see also* Florida Department of Education, Office of Student Financial Assistance, *2009-2010 Critical Teacher Shortage Tuition Reimbursement Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-TR.htm> (last visited March 4, 2010).

¹¹⁹ Section 1009.59, F.S.; *see also* Florida Department of Education, Office of Student Financial Assistance, *2008-2009 Critical Teacher Shortage Loan Forgiveness Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-LF.htm> (last visited Jan. 10, 2009).

Program provides scholarship assistance to lower-division undergraduate students and loan assistance to upper-division undergraduate and graduate students. The purpose of the program is to attract liberal arts students to the teaching profession, attract teachers to critical teacher shortage areas, and provide opportunities for career-changers to pursue a career in teaching.¹²⁰ As of November 2009, 4,716 educators were participating in these programs.¹²¹ In 2009, the Legislature appropriated \$2.5 million dollars for these programs.¹²²

Effect of Proposed Changes

The bill authorizes the DOE to sponsor virtual job fairs. Currently, the DOE is required to sponsor a face-to-face job fair in a central part of the state. The bill eliminates authorization for the DOE to charge participants a fee and expend funds on mementos, awards, and plaques.

The bill revises the definition of critical teacher shortage area to include high need content areas and high priority location areas identified by the SBE. The bill eliminates specific reference to mathematics, science, and career education as critical shortage areas and provisions authorizing the SBE to consider teacher characteristics in determining a critical teacher shortage area.

Under the bill, a high priority location area includes low socio-economic status urban and rural schools and schools identified under Florida law as the lowest performing schools. Provisions stating that high priority location areas include schools with high numbers of economically disadvantaged students, students receiving free and reduced price lunches, and high faculty attrition rates are removed.

The SBE must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas. Critical teacher shortage areas submitted by school districts must also be aligned to such educational requirements and workforce demands.

The bill repeals the Critical Teacher Shortage Tuition Reimbursement Program, the Critical Teacher Shortage Loan Forgiveness Program, and the Florida Teacher Scholarship and Forgivable Loan Program.

The Dale Hickam Excellent Teaching Program

Current Law

The Dale Hickam Excellent Teaching Program provides incentives to classroom teachers who pursue national certification through the National Board for Professional Teaching Standards (NBPTS).¹²³ Nationally certified teachers may receive an annual bonus of 10 percent of the prior fiscal year's statewide average teacher salary for up to one 10-year period. If funds are available, nationally certified teachers who provide 12 workdays of mentoring and related services to Florida public school teachers who are not nationally certified may receive an additional bonus of 10 percent of the prior fiscal year's statewide average teacher salary.¹²⁴

Effect of Proposed Changes

The bill provides that teachers employed by public schools and the Florida School for the Deaf and the Blind who are NBPTS certified on or before July 1, 2010, may receive bonuses under the Dale Hickam

¹²⁰ Section 1009.57, F.S.

¹²¹ See Education Estimating Conference, *Student Financial Aid Enrollment Conference Results, Executive Summary*, (Office of Economic and Demographic Research, Nov. 20, 2009), available at http://edr.state.fl.us/conferences/financialaid/sfa112009_Summary.pdf.

¹²² Specific Appropriation 67, § 2, ch. 2009-81, L.O.F.

¹²³ NBPTS offers 25 certificates that cover a variety of subject areas and student development levels. The certification process takes one to three years to complete. Candidates must complete a portfolio review and two-part assessment. The portfolio review includes student work, peer reviews, and video taping of the teacher's classroom practice. National Board for Professional Teaching Standards, *Become a Candidate* http://www.nbpts.org/become_a_candidate (last visited March 5, 2010).

¹²⁴ Section 1012.72, F.S.

Excellent Teaching Program for up to 10 years. Teachers who obtain NBPTS certification after this date are not eligible to receive bonuses under the program.

Teachers Out-of-Field

Current Law

District school boards must adopt a plan for assisting teachers who teach out-of-field. Such teachers must be given priority for professional development opportunities. A school board must require out-of-field teachers to participate in training designed to enable them to acquire necessary competencies. A board must notify in writing the parents of students assigned to a class taught by an out-of-field teacher.¹²⁵

Effect of Proposed Changes

Beginning with the 2010-2011 school year, district school boards are prohibited from assigning any beginning teacher to teach mathematics, science, or reading who is not certified in the specific subject area.

Obsolete Statutes

Current Law

An academic performance-based charter school district is a district that has entered into a performance contract with the SBE, which exempts the district from specified rules and statutes in exchange for its agreement to comply with stated performance goals.¹²⁶ Four school districts (Hillsborough, Orange, Palm Beach, and Volusia Counties) are currently designated as Academic Performance-Based Charter School Districts.¹²⁷ Statutory authority for such status will expire July 1, 2010.¹²⁸

The deregulated public schools pilot program was authorized by the Legislature in 1998 to give public schools the same flexibility and accountability afforded charter schools.¹²⁹ Palm Beach, Pinellas, Seminole, Lee, Leon, Walton, and Citrus were authorized to participate in the pilot program. The pilot program ended after the 2003-2004 school year and was not reauthorized by the Legislature.

Effect of Proposed Changes

The bill repeals the Academic Performance-Based Charter School Districts and Deregulated Public Schools programs.

B. SECTION DIRECTORY:

Section 1: Amending s. 39.202, F.S.; authorizing the release of child abuse records to certain employees and agents of the DOE.

Section 2: Repealing s. 447.403(2)(c), F.S.; relating to resolution of collective bargaining disputes concerning the Merit Award Program.

Section 3: Amending s. 1002.33, F.S.; requiring charter schools to adopt a performance appraisal system, administer certain end-of-course assessments, and adopt salary schedules; prohibiting charter schools from awarding professional service contracts to certain classroom teachers; requiring charter schools to certify compliance; providing for a funding adjustment.

Section 4: Amending s. 1003.52, F.S.; deleting a cross-reference.

¹²⁵ Section 1012.42, F.S.

¹²⁶ Section 1003.62, F.S.

¹²⁷ Staff of Senate Comm. on Education Pre-K - 12, *Legislative Bill Analysis for CS/SB 2092* (2007).

¹²⁸ Section 24, ch. 2003-391, L.O.F.; *see also* § 8, ch. 2007-234, L.O.F.

¹²⁹ Section 23, ch. 98-281, L.O.F.; § 1003.63, F.S.

Section 5: Repealing s. 1003.62, F.S.; relating to academic performance-based charter school districts.

Section 6: Amending s. 1003.621, F.S.; requiring academically high-performing school districts to comply with performance appraisal and classroom teacher contract requirements.

Section 7: Repealing s. 1003.63, F.S.; relating to the deregulated public schools pilot program.

Section 8: Amending s. 1004.04, F.S.; revising the conditions for continued approval of teacher preparation programs; requiring such programs to provide additional training to certain graduates; requiring reporting; amending the requirements for preservice field experiences.

Section 9: Repealing s. 1004.04(11) & (12); F.S.; relating to teacher education pilot projects.

Section 10: Amending s. 1004.85, F.S.; requiring participants in EPIs to satisfy certain requirements; requiring EPIs to demonstrate that program graduates produce student learning gains; requiring instructors to meet certain requirements.

Section 11: Creating s. 1008.222, F.S.; requiring school districts to develop end-of-course assessments for certain subjects and grade levels; requiring superintendents to certify compliance; requiring the Commissioner to identify methods for assisting districts.

Section 12: Amending s. 1009.40, F.S.; deleting cross-references.

Section 13: Repealing s. 1009.54, F.S.; relating to the Critical Teacher Shortage Program.

Section 14: Repealing s. 1009.57, F.S.; relating to the Florida Teacher Scholarship Forgivable Loan Program.

Section 15: Repealing s. 1009.58, F.S.; relating to the Critical Teacher Shortage Tuition Reimbursement Program.

Section 16: Repealing s. 1009.59, F.S.; relating to the Critical Teacher Shortage Student Loan Forgiveness Program.

Section 17: Amending s. 1009.94, F.S.; deleting cross-references.

Section 18: Creating s. 1011.626, F.S.; establishing a Performance Fund for Instructional Personnel and School-Based Administrators; providing legislative intent; providing findings; requiring the Commissioner to calculate a funding amount; providing conditions for use of funds; requiring review of compliance with salary schedule, end-of-course assessment, and classroom teacher contracting requirements; requiring a funding adjustment for noncompliance; requiring rulemaking.

Section 19: Amending s. 1011.69, F.S.; making technical changes.

Section 20: Amending s. 1012.05, F.S.; revising the requirements for DOE-sponsored job fairs.

Section 21: Amending s. 1012.07, F.S.; revising the requirements for critical teacher shortage areas.

Section 22: Amending s. 1012.22, F.S.; revising the requirements for school district-adopted salary schedules.

Section 23: Repealing s. 1012.225, F.S.; relating to the Merit Award Program.

Section 24: Repealing s. 1012.2251, F.S.; relating to assessments for awarding merit pay under the Merit Award Program.

Section 25: Amending s. 1012.28, F.S.; making technical changes.

Section 26: Amending s. 1012.33, F.S.; requiring school districts to base certain staffing decisions on performance.

Section 27: Creating s. 1012.335, F.S.; establishing contracting requirements for classroom teachers hired on or after July 1, 2010.

Section 28: Amending s. 1012.34, F.S.; revising the requirements for instructional personnel and school administrator performance appraisals; establishing performance rating categories; revising the performance appraisal criteria; requiring the DOE to approve performance appraisal instruments; requiring the DOE to collect annual performance ratings.

Section 29: Amending s. 1012.42, F.S.; prohibiting the assignment of certain teachers.

Section 30: Repealing s. 1012.52, F.S.; relating to teacher quality.

Section 31: Amending s. 1012.56, F.S.; revising the requirements for educator certification; requiring the SBE to review subject area examinations.

Section 32: Amending s. 1012.585, F.S.; revising the requirements for renewal of a professional certificate.

Section 33: Amending s. 1012.72, F.S.; relating to the Dale Hickam Excellent Teaching Program for NBPTS certified teachers.

Section 34: Amending s. 1012.79, F.S.; revising the composition of the Education Practices Commission.

Section 35: Amending s. 1012.795, F.S.; authorizing the Education Practices Commission to take action for breach of contract.

Section 36: Providing for a review of teacher preparation program funding and continued approval.

Section 37: Providing an exemption for certain school districts.

Section 38: Providing a severability clause.

Section 39: Providing that the amendments made to s. 1012.33, F.S., apply to contracts newly entered into, extended, or readopted on or after July 1, 2010, and all contracts on or after July 1, 2013.

Section 40: Providing an effective date of July 1, 2010, unless otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state expenditures.

2. Expenditures:

The bill repeals the Merit Award Program which was funded in the FEFP for \$20 million in 2009-2010,¹³⁰ and the Critical Teacher Shortage Program, the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program for a total of \$2.5 million appropriated from General Revenue in 2009-2010.¹³¹ State expenditures for these programs will be eliminated.

The bill phases out the Dale Hickam Excellent Teaching Program by ending bonuses teachers who obtain NBPTS certification after July 1, 2010. This program was funded with \$46.9 million from federal stimulus funds in 2009-2010.¹³² State expenditures for this program will be reduced in subsequent years.

The bill requires the DOE to monitor school district and charter school compliance with bill requirements for end-of-course assessments, salary schedules, and contracts for classroom teachers hired on or after July 1, 2010. The DOE indicates that additional resources will be necessary to meet these requirements.¹³³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The Performance Fund is established within the FEFP, beginning in 2011-2012. At the time of the second FEFP calculation, the Commissioner must calculate an amount for the fund equal to five

¹³⁰ Specific Appropriations 5A & 76, § 2, ch. 2009-81, L.O.F.

¹³¹ Specific Appropriation 67, § 2, ch. 2009-81, L.O.F.

¹³² Specific Appropriation 82, § 2, ch. 2009-81, L.O.F.

¹³³ Florida Department of Education, *Legislative Bill Analysis for SB 6 (2010)*.

percent of the total state, local, and federal FEFP funds. Based on the 2009-2010 FEFP, the fund would be approximately \$900 million.

The Commissioner is to distribute these funds as part of the FEFP to be used by the districts and charter schools to implement the provisions of the bill, including the development and acquisition of end-of-course exams, development of an appraisal system, and development and implementation of salary schedules that include teacher performance and differentiated pay.¹³⁴

School districts will incur additional costs associated with the development or acquisition of end-of-course assessments for each subject area and grade level that is not tested by statewide assessments or AP, IB, AICE, or industry certification examinations. However, the fiscal impact of these activities is indeterminate.

The Course Code Directory is comprised of hundreds of courses. According to the DOE, districts that offer a large number of courses may need to use local funds to provide end-of-course assessments for all courses offered that are not otherwise tested by statewide assessments or AP, IB, AICE, or industry certification examinations. Districts that are participating in the state's Race to the Top program may be able to use federal funds to offset the cost of developing end-of-course assessments if the state receives a grant award.¹³⁵

The bill requires the Commissioner to identify methods to support school districts in the development or acquisition of end-of-course assessments such as developing item banks and facilitating the sharing of assessments among districts. These activities, if implemented, may reduce the fiscal impact that end-of-course examination development or acquisition has on school districts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules:

- Implementing the Performance Fund. Such rules include documentation requirements; processes and criteria for determining compliance with performance appraisal, salary schedule, and end-of-course assessment requirements; and reporting and monitoring to ensure that Performance Funds are used for authorized purposes.
- Defining "just cause" grounds for suspension or termination of employees employed under annual or probationary contracts.
- Establishing methods for calculating rates of student learning tied to the four rating categories.

¹³⁴ Staff of the Florida Senate, *Legislative Bill Analysis for SB 6* (2010).

¹³⁵ Florida Department of Education, *Legislative Bill Analysis for SB 6* (2010).

- Defining the process for documenting effective performance of applicants for renewal of professional certification who did not receive annual performance evaluations during the term of the professional certificate to be renewed.
- Establishing a procedure for granting an annual exemption from bill provisions related to performance pay, performance appraisals, end-of-course assessments, and the Performance Fund.

The SBE is authorized to adopt rules regarding the acceptance of college course credits recommended by ACE in satisfying basic educator certification requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

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 or an independent certified public accountant of certain
 78 classroom teacher contracts; requiring that the
 79 Commissioner of Education notify the Governor and
 80 Legislature of school districts that fail to comply with
 81 salary schedule, assessment, and contract requirements;
 82 requiring a specified funding adjustment to be imposed
 83 against a school district for such failure to comply;
 84 requiring that the State Board of Education adopt rules;

85 | amending s. 1011.69, F.S.; deleting a provision that
 86 | exempts academic performance-based charter school
 87 | districts from the Equity in School-Level Funding Act to
 88 | conform to changes made by the act; amending s. 1012.05,
 89 | F.S.; revising the Department of Education's
 90 | responsibilities for teacher recruitment; amending s.
 91 | 1012.07, F.S.; revising the methodology for determining
 92 | critical teacher shortage areas; deleting cross-references
 93 | to conform to changes made by the act; amending s.
 94 | 1012.22, F.S.; revising the powers and duties of the
 95 | district school board with respect to school district
 96 | compensation and salary schedules; requiring that certain
 97 | performance criteria be included in the adopted schedules;
 98 | revising the differentiated pay provisions; repealing s.
 99 | 1012.225, F.S., relating to the Merit Award Program for
 100 | Instructional Personnel and School-Based Administrators;
 101 | repealing s. 1012.2251, F.S., relating to the end-of-
 102 | course examinations for the Merit Award Program; amending
 103 | s. 1012.28, F.S.; conforming provisions to changes made by
 104 | the act; amending s. 1012.33, F.S.; revising provisions
 105 | relating to contracts with certain educational personnel;
 106 | requiring a district school board's decision to retain
 107 | personnel who have continuing contracts or professional
 108 | service contracts to be primarily based on the employee's
 109 | performance; deleting requirements that school board
 110 | decisions for workforce reductions be based on collective
 111 | bargaining agreements; deleting requirements for district
 112 | school board rules for workforce reduction; creating s.

113 1012.335, F.S.; providing definitions; providing
 114 employment criteria for newly hired classroom teachers;
 115 providing grounds for termination; requiring that the
 116 State Board of Education adopt rules defining the term
 117 "just cause"; providing guidelines for such term; amending
 118 s. 1012.34, F.S.; revising provisions related to the
 119 appraisal of instructional personnel and school-based
 120 administrators; requiring that the Department of Education
 121 approve school district appraisal instruments; requiring
 122 the Department of Education to collect appraisal
 123 information from school districts and to report such
 124 information to the Governor and the Legislature; providing
 125 requirements for appraisal systems; authorizing an
 126 employee to request that a district school superintendent
 127 review an unsatisfactory performance appraisal; conforming
 128 provisions to changes made by the act; amending s.
 129 1012.42, F.S.; prohibiting a district school board from
 130 assigning a new teacher to teach reading, science, or
 131 mathematics if he or she is not certified in those subject
 132 areas; repealing s. 1012.52, F.S., relating to legislative
 133 intent for teacher quality; amending s. 1012.56, F.S.;
 134 revising the certification requirements for persons
 135 holding a valid professional standard teaching certificate
 136 issued by another state; providing additional means of
 137 demonstrating mastery of professional preparation and
 138 education competence; requiring that the State Board of
 139 Education review the current subject area examinations and
 140 increase the scores necessary for achieving certification;

141 authorizing the State Board of Education to adopt rules to
 142 allow certain college credit to be used to meet
 143 certification requirements; amending s. 1012.585, F.S.;
 144 providing for future expiration of provisions governing
 145 certification of teachers who hold national certification;
 146 revising the renewal requirements for a professional
 147 certificate; providing additional requirements that must
 148 be met in order to renew the certificate; requiring that
 149 the State Board of Education adopt rules for the renewal
 150 of a certificate held by a certificateholder who has not
 151 been evaluated under s. 1012.34, F.S.; amending s.
 152 1012.72, F.S.; limiting bonuses under the Dale Hickam
 153 Excellent Teaching Program to individuals who remain
 154 continuously employed in a public school in this state or
 155 the Florida School for the Deaf and the Blind; amending s.
 156 1012.79, F.S.; revising the composition of the Education
 157 Practices Commission and a qualification for appointment
 158 to the commission; amending s. 1012.795, F.S.; conforming
 159 provisions to changes made by the act; requiring that the
 160 Department of Education submit a report on the cost-
 161 effectiveness of teacher preparation programs to the
 162 Governor and the Legislature by a specified date;
 163 specifying the report requirements; requiring that the
 164 Office of Program Policy Analysis and Government
 165 Accountability submit recommendations to the Legislature
 166 relating to changes in the criteria for the continued
 167 approval of teacher preparation programs; authorizing
 168 school districts to seek an exemption from the State Board

169 of Education from the requirement of certain laws;
 170 requiring the State Board of Education to adopt rules;
 171 providing for severability; providing for application of a
 172 specified provision of the act; providing effective dates.
 173

174 Be It Enacted by the Legislature of the State of Florida:
 175

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

178 39.202 Confidentiality of reports and records in cases of
 179 child abuse or neglect.—

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

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

187 Section 2. Paragraph (c) of subsection (2) of section
 188 447.403, Florida Statutes, is amended to read:

189 447.403 Resolution of impasses.—

190 (2)

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

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

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

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

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

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

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

224 Section 3. Paragraph (c) is added to subsection (16) of

225 section 1002.33, Florida Statutes, paragraph (a) of subsection
 226 (20) of that section is amended, present subsection (26) of that
 227 section is redesignated as subsection (27), and a new subsection
 228 (26) is added to that section, to read:

229 1002.33 Charter schools.-

230 (16) EXEMPTION FROM STATUTES.-

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

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

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

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

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

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

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

251 c. Adopt a performance appraisal system that complies with
 252 s. 1012.34.

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

281 5 percent of the available funds defined in paragraph (17) (b)
 282 for all students. However, a sponsor may only withhold up to a
 283 5-percent administrative fee for enrollment for up to and
 284 including 500 students. For charter schools with a population of
 285 501 or more students, the difference between the total
 286 administrative fee calculation and the amount of the
 287 administrative fee withheld may only be used for capital outlay
 288 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
 289 ~~receive 100 percent of the funds awarded to that school pursuant~~
 290 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
 291 additional fees or surcharges for administrative and educational
 292 services in addition to the maximum 5-percent administrative fee
 293 withheld pursuant to this paragraph.

294 (26) FUNDING AND COMPLIANCE.-

295 (a) Effective with the beginning of the 2011-2012 year,
 296 and each year thereafter, the Commissioner of Education shall
 297 calculate and distribute funds from the Performance Fund for
 298 Instructional Personnel and School-Based Administrators in s.
 299 1011.626 to charter schools in the same manner as for school
 300 districts. Charter schools must meet the requirements in s.
 301 1011.626(5).

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

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

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

326 1003.52 Educational services in Department of Juvenile
 327 Justice programs.—

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

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

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

347 Section 6. Paragraph (h) of subsection (2) of section
 348 1003.621, Florida Statutes, is amended to read:

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

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

361 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 362 differentiated pay and performance-pay policies for school
 363 administrators and instructional personnel, and s. 1012.34,
 364 relating to appraisal procedures and criteria. Professional

365 service contracts are subject to the provisions of s. ss.
 366 1012.33 ~~and 1012.34~~. Contracts with classroom teachers hired on
 367 or after July 1, 2010, are subject to s. 1012.335.

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

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

372 1004.04 Public accountability and state approval for
 373 teacher preparation programs.—

374 (4) INITIAL STATE PROGRAM APPROVAL.—

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

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

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

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

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

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

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

421 examination required by s. 1012.56.

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

448 (d) ~~(e)~~ Continued approval for a teacher preparation

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

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

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

477 the first 2 years immediately following graduation from the
 478 program or following the graduate's initial certification,
 479 whichever occurs first. Any educator in a Florida school who
 480 fails to demonstrate student learning gains ~~the essential skills~~
 481 as specified in paragraph (a) ~~subparagraphs 1. 5.~~ shall be
 482 provided additional training by the teacher preparation program
 483 at no expense to the educator or the employer. Such training
 484 must consist of an individualized plan agreed upon by the school
 485 district and the postsecondary educational institution that
 486 includes specific learning outcomes. The postsecondary
 487 educational institution assumes no responsibility for the
 488 educator's employment contract with the employer. ~~Employer~~
 489 ~~satisfaction shall be determined by an annually administered~~
 490 ~~survey instrument approved by the Department of Education that,~~
 491 ~~at a minimum, must include employer satisfaction of the~~
 492 ~~graduates' ability to do the following:~~

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

504 (g) ~~(f)~~1. Each Florida public and private institution that

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

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

515 b. The average length of stay of graduates in their full-
 516 time teaching positions.

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

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

532 a. Average length of stay of graduates in their teaching

533 positions.

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

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

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

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

557 (b) All school district personnel and instructional
 558 personnel who supervise or direct teacher preparation students
 559 during field experience courses or internships must have
 560 evidence of "clinical educator" training and must successfully

561 demonstrate effective classroom management strategies that
 562 consistently result in improved student performance. The State
 563 Board of Education shall approve the training requirements.

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

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

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588 public school students and to the preparation of future
 589 teachers.

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

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

595 1004.85 Postsecondary educator preparation institutes.—

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

610 (b) Each program participant must:

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

616 2. Participate in field experience that is appropriate to
617 his or her educational plan.

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

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

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

644 (5) Instructors for an alternative certification program
 645 approved pursuant to this section must meet the requirements of
 646 s. 1004.04(6) ~~possess a master's degree in education or a~~
 647 ~~master's degree in an appropriate related field and document~~
 648 ~~teaching experience.~~

649 Section 11. Section 1008.222, Florida Statutes, is created
 650 to read:

651 1008.222 Development and implementation of end-of-course
 652 assessments of certain subject areas and grade levels.-

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

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

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

672 assessments.

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

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

694 Section 12. Paragraph (a) of subsection (1) of section
 695 1009.40, Florida Statutes, is amended to read:

696 1009.40 General requirements for student eligibility for
 697 state financial aid awards and tuition assistance grants.—

698 (1)(a) The general requirements for eligibility of
 699 students for state financial aid awards and tuition assistance

700 grants consist of the following:

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

710 2. Residency in this state for no less than 1 year
 711 preceding the award of aid or a tuition assistance grant for a
 712 program established pursuant to s. 1009.50, s. 1009.505, s.
 713 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
 714 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
 715 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.
 716 Residency in this state must be for purposes other than to
 717 obtain an education. Resident status for purposes of receiving
 718 state financial aid awards shall be determined in the same
 719 manner as resident status for tuition purposes pursuant to s.
 720 1009.21.

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

728 Additionally, students who knowingly make false statements in
 729 order to receive state financial aid awards or tuition
 730 assistance grants commit a misdemeanor of the second degree
 731 subject to the provisions of s. 837.06 and shall be required to
 732 return all state financial aid awards or tuition assistance
 733 grants wrongfully obtained.

734 Section 13. Section 1009.54, Florida Statutes, is
 735 repealed.

736 Section 14. Section 1009.57, Florida Statutes, is
 737 repealed.

738 Section 15. Section 1009.58, Florida Statutes, is
 739 repealed.

740 Section 16. Section 1009.59, Florida Statutes, is
 741 repealed.

742 Section 17. Paragraph (c) of subsection (2) of section
 743 1009.94, Florida Statutes, is amended to read:

744 1009.94 Student financial assistance database.—

745 (2) For purposes of this section, financial assistance
 746 includes:

747 (c) Any financial assistance provided under s. 1009.50, s.
 748 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
 749 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
 750 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
 751 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

752 Section 18. Section 1011.626, Florida Statutes, is created
 753 to read:

754 1011.626 Performance Fund for Instructional Personnel and
 755 School-Based Administrators.—

756 (1) LEGISLATIVE INTENT.—It is the intent of the
 757 Legislature to ensure that every student has a high-quality
 758 teacher in his or her classroom. The Legislature intends,
 759 therefore, to hold school districts accountable for demonstrably
 760 increasing student achievement.

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

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

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

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

782 (d) A school district that fails to comply with s.
 783 1012.335 frustrates the purpose of ensuring that each student

784 has a high-quality teacher in his or her classroom by preventing
 785 the school district from promptly removing a poor-performing
 786 classroom teacher from the classroom and employment.

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

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

799 (5) DISTRIBUTION OF THE FUND.—

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

809 (b) If funds remain in a district's Performance Fund for
 810 Instructional Personnel and School-Based Administrators after
 811 the end-of-course assessments in s. 1008.222, performance

812 appraisal system requirements in s. 1012.34, and salary schedule
 813 requirements in s. 1012.22 have been met, the balance may be
 814 used by the district for the same purpose as funds provided
 815 pursuant to s. 1011.62(1)(t). Any funds remaining in a
 816 district's fund at the end of the state fiscal year shall revert
 817 to the fund from which they were appropriated.

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

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

830 (6) REVIEW.—

831 (a) Beginning with the 2014-2015 fiscal year and each
 832 fiscal year thereafter, each district school board must submit
 833 the district-adopted salary schedule for the school year and
 834 supporting documentation to the commissioner for review on or
 835 before October 1 of each year. On or before December 15 of each
 836 year, the commissioner shall complete a review of each salary
 837 schedule submitted for that school year, determine compliance
 838 with s. 1012.22(1)(c), and notify a district school board if the
 839 district salary schedule fails to meet the requirements in s.

840 1012.22(1)(c). The commissioner shall certify those school
 841 districts that do not comply with s. 1012.22(1)(c) to the
 842 Governor, the President of the Senate, and the Speaker of the
 843 House of Representatives on or before February 15 of each year.

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

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

868 documentation to the Commissioner of Education on or before
 869 October 1 of each year following the audit. On or before
 870 December 15 of each year, the commissioner shall notify the
 871 Governor, the President of the Senate, the Speaker of the House
 872 of Representatives, and each school district identified in the
 873 audit that has not complied with s. 1012.335.

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

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

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

896 1011.69 Equity in School-Level Funding Act.—
 897 (2) Beginning in the 2003-2004 fiscal year, district
 898 school boards shall allocate to schools within the district an
 899 average of 90 percent of the funds generated by all schools and
 900 guarantee that each school receives at least 80 percent of the
 901 funds generated by that school based upon the Florida Education
 902 Finance Program as provided in s. 1011.62 and the General
 903 Appropriations Act, including gross state and local funds,
 904 discretionary lottery funds, and funds from the school
 905 district's current operating discretionary millage levy. Total
 906 funding for each school shall be recalculated during the year to
 907 reflect the revised calculations under the Florida Education
 908 Finance Program by the state and the actual weighted full-time
 909 equivalent students reported by the school during the full-time
 910 equivalent student survey periods designated by the Commissioner
 911 of Education. If the district school board is providing programs
 912 or services to students funded by federal funds, any eligible
 913 students enrolled in the schools in the district shall be
 914 provided federal funds. ~~Only academic performance based charter~~
 915 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
 916 ~~provisions of this section.~~

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

919 1012.05 Teacher recruitment and retention.—

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

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

932 Section 21. Section 1012.07, Florida Statutes, is amended
 933 to read:

934 1012.07 Identification of critical teacher shortage
 935 areas.—

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

952 emerging educational requirements and workforce demands in order
 953 to be certified to and approved by the State Board of Education.
 954 High-priority ~~High-priority~~ location areas shall be in high-
 955 density, low-economic urban schools; ~~and~~ low-density, low-
 956 economic rural schools; and schools identified as lowest
 957 performing under s. 1008.33(4)(b) ~~shall include schools which~~
 958 ~~meet criteria which include, but are not limited to, the~~
 959 ~~percentage of free lunches, the percentage of students under~~
 960 ~~Chapter I of the Education Consolidation and Improvement Act of~~
 961 ~~1981, and the faculty attrition rate.~~

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

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

967 1012.22 Public school personnel; powers and duties of the
 968 district school board.—The district school board shall:

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

974 (c) Compensation and salary schedules.—

975 1.a. As provided in this paragraph, the district school
 976 board shall adopt a salary schedule that compensates employees
 977 based on their performance. ~~The district school board shall~~
 978 ~~adopt a salary schedule or salary schedules designed to furnish~~
 979 ~~incentives for improvement in training and for continued~~

980 ~~efficient service to be used as a basis for paying all school~~
 981 ~~employees and fix and authorize the compensation of school~~
 982 ~~employees on the basis thereof.~~

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

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

996 2.4. ~~Beginning with the 2007-2008 academic year,~~ Each
 997 district school board shall adopt a salary adjustment for
 998 ~~schedule with~~ differentiated pay for both instructional
 999 personnel and school-based administrators. ~~The salary schedule~~
 1000 ~~is subject to negotiation as provided in chapter 447 and must~~
 1001 ~~allow differentiated pay based on the following:~~

1002 a. Assignment to a school in a high-priority location
 1003 area, as defined in State Board of Education rule, with
 1004 continued differentiated pay contingent upon documentation of
 1005 performance under s. 1012.34;

1006 b. Certification and teaching in critical teacher shortage
 1007 areas, as defined in State Board of Education rule, with

1008 continued differentiated pay contingent upon documentation of
 1009 performance under s. 1012.34; and

1010 c. Assignment of additional academic responsibilities,
 1011 with continued differentiated pay contingent upon documentation
 1012 of performance under s. 1012.34.

1013 3. A district school board shall adopt a salary schedule
 1014 for beginning and renewing teachers as follows:

1015 a. A beginning teacher. For purposes of this sub-
 1016 subparagraph, the term "beginning teacher" is a classroom
 1017 teacher as defined in s. 1012.01(2)(a) who has no prior K-12
 1018 teaching experience.

1019 b. A teacher who holds a valid professional standard
 1020 certificate issued by another state and who is hired by the
 1021 district school board.

1022 c. A teacher who holds a valid professional certificate
 1023 issued pursuant to s. 1012.56, who has not taught in the
 1024 classroom at any time during the previous certification period,
 1025 and who is hired by the district school board.

1026 4. The salary schedule in subparagraph 3. shall be in
 1027 effect only for the first year that the teacher provides
 1028 instruction in a Florida K-12 classroom. A district school board
 1029 may not use length of service or degrees held as a factor in
 1030 setting a salary schedule ~~district determined factors,~~
 1031 ~~including, but not limited to, additional responsibilities,~~
 1032 ~~school demographics, critical shortage areas, and level of job~~
 1033 ~~performance difficulties.~~

1034 Section 23. Section 1012.225, Florida Statutes, is
 1035 repealed.

1036 Section 24. Section 1012.2251, Florida Statutes, is
 1037 repealed.

1038 Section 25. Subsection (3) of section 1012.28, Florida
 1039 Statutes, is amended to read:

1040 1012.28 Public school personnel; duties of school
 1041 principals.-

1042 (3) Each school principal is responsible for the
 1043 performance of all personnel employed by the district school
 1044 board and assigned to the school to which the principal is
 1045 assigned. The school principal shall faithfully and effectively
 1046 apply the personnel appraisal ~~assessment~~ system approved by the
 1047 district school board pursuant to s. 1012.34.

1048 Section 26. Subsection (5) of section 1012.33, Florida
 1049 Statutes, is amended to read:

1050 1012.33 Contracts with instructional staff, supervisors,
 1051 and school principals.-

1052 (5) Should a district school board have to choose from
 1053 among its personnel who are on continuing contracts or
 1054 professional service contracts as to which should be retained,
 1055 such decisions shall be based primarily upon the employee's
 1056 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
 1057 ~~of a collectively bargained agreement, when one exists. If no~~
 1058 ~~such agreement exists, the district school board shall prescribe~~
 1059 ~~rules to handle reductions in workforce.~~

1060 Section 27. Section 1012.335, Florida Statutes, is created
 1061 to read:

1062 1012.335 Contracts with classroom teachers hired on or
 1063 after July 1, 2010.-

1064 (1) DEFINITIONS.—As used in this section, the term:
 1065 (a) "Annual contract" means a contract for a period of no
 1066 longer than 1 school year in which the district school board may
 1067 choose to renew or not renew without cause.
 1068 (b) "Classroom teacher" means a classroom teacher as
 1069 defined in s. 1012.01(2)(a), excluding substitute teachers.
 1070 (c) "Probationary contract" means a contract for a period
 1071 of no longer than 1 school year during which a classroom teacher
 1072 may be dismissed without cause or may resign from the
 1073 contractual position without breach of contract.
 1074 (2) EMPLOYMENT.—
 1075 (a) Beginning July 1, 2010, each person newly hired as a
 1076 classroom teacher by a school district shall receive a
 1077 probationary contract.
 1078 (b) A classroom teacher may receive up to four annual
 1079 contracts in a school district in this state if the teacher:
 1080 1. Holds a professional certificate as prescribed by s.
 1081 1012.56 and in the rules of the State Board of Education; and
 1082 2. Has been recommended by the district school
 1083 superintendent for the annual contract and approved by the
 1084 district school board.
 1085 (c) A classroom teacher may not receive an annual contract
 1086 for the 6th year of teaching and thereafter unless the classroom
 1087 teacher:
 1088 1. Holds a professional certificate as prescribed by s.
 1089 1012.56 and in the rules of the State Board of Education;
 1090 2. Has been recommended by the district school
 1091 superintendent for the annual contract and approved by the

1092 district school board; and

1093 3. Has received an effective or highly effective
 1094 designation on his or her appraisal pursuant to s. 1012.34 in at
 1095 least 2 of the 3 preceding years for each year an annual
 1096 contract is sought.

1097 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
 1098 ANNUAL CONTRACT.—A classroom teacher who has an annual contract
 1099 may be suspended or dismissed at any time during the term of the
 1100 contract for just cause as provided in subsection (4). The
 1101 district school board must notify a classroom teacher in writing
 1102 whenever charges are made against the classroom teacher, and the
 1103 district school board may suspend him or her without pay.
 1104 However, if the charges are not sustained, the classroom teacher
 1105 shall be immediately reinstated and his or her back pay shall be
 1106 paid.

1107 (4) JUST CAUSE.—The State Board of Education shall adopt
 1108 rules to define the term "just cause." Just cause includes, but
 1109 is not limited to:

- 1110 (a) Immorality.
- 1111 (b) Misconduct in office.
- 1112 (c) Incompetency.
- 1113 (d) Gross insubordination.
- 1114 (e) Willful neglect of duty.
- 1115 (f) Being convicted or found guilty of, or entering a plea
 1116 of guilty to, regardless of adjudication of guilt, any crime
 1117 involving moral turpitude.
- 1118 (g) Poor performance as demonstrated by a lack of student
 1119 learning gains, as specified in s. 1012.34.

1120 Section 28. Section 1012.34, Florida Statutes, is amended
 1121 to read:

1122 1012.34 Appraisal ~~Assessment~~ procedures and criteria.-

1123 (1) For the purpose of increasing student achievement by
 1124 improving the quality of instructional, administrative, and
 1125 supervisory services in the public schools of the state, the
 1126 district school superintendent shall establish procedures for
 1127 evaluating ~~assessing~~ the performance of duties and
 1128 responsibilities of all instructional, administrative, and
 1129 supervisory personnel employed by the school district. The
 1130 Department of Education must approve each district's
 1131 instructional personnel appraisal ~~assessment~~ system and
 1132 appraisal instruments. The Department of Education must approve
 1133 each school-based administrator appraisal system and appraisal
 1134 instruments. The department shall collect from each school
 1135 district the annual performance ratings of all instructional and
 1136 school-based administrative personnel and report the percentage
 1137 of each of these employees receiving each rating category by
 1138 school and by district to the Governor, the President of the
 1139 Senate, and the Speaker of the House of Representatives.

1140 (2) The following conditions must be considered in the
 1141 design of the district's instructional personnel appraisal
 1142 ~~assessment~~ system:

1143 (a) The system must be designed to support high-quality
 1144 instruction and increased academic achievement ~~district and~~
 1145 ~~school level improvement plans.~~

1146 (b) The system must provide appropriate appraisal
 1147 instruments, procedures, and criteria for continuous quality

1148 improvement of the professional skills of instructional
 1149 personnel.

1150 (c) The system must include a mechanism to examine
 1151 performance data from multiple sources, which includes giving
 1152 ~~give~~ parents an opportunity to provide input into employee
 1153 performance appraisals ~~assessments when appropriate~~.

1154 (d) In addition to addressing generic teaching
 1155 competencies, districts must determine those teaching fields for
 1156 which special procedures and criteria will be developed.

1157 (e) Each district school board may establish a peer
 1158 assistance process. The plan may provide a mechanism for
 1159 assistance of persons who are placed on performance probation as
 1160 well as offer assistance to other employees who request it.

1161 (f) Each ~~The~~ district school board shall provide training
 1162 programs that are based upon guidelines provided by the
 1163 Department of Education to ensure that all individuals with
 1164 evaluation responsibilities understand the proper use of the
 1165 appraisal ~~assessment~~ criteria and procedures.

1166 (g) The system must differentiate among four levels of
 1167 performance: unsatisfactory, needs improvement, effective, and
 1168 highly effective. The Commissioner of Education shall consult
 1169 with performance pay experts and classroom teachers in
 1170 developing the performance levels. Beginning with the 2014-2015
 1171 school year and thereafter, instructional personnel and school-
 1172 based administrators may not be rated as effective or highly
 1173 effective if their students fail to demonstrate learning gains.

1174 (h) The system must include a process for monitoring the
 1175 effective and consistent use of appraisal criteria by

1176 supervisors and administrators and a process for evaluating the
 1177 effectiveness of the system itself in improving the level of
 1178 instruction and learning in the district's schools.

1179 (3) The appraisal assessment procedure for instructional
 1180 personnel and school administrators must be ~~primarily~~ based on
 1181 the performance of students assigned to their classrooms or
 1182 schools, as described in paragraph (a) appropriate. ~~Pursuant to~~
 1183 ~~this section,~~ A school district's performance appraisal
 1184 ~~assessment~~ is not limited to basing unsatisfactory performance
 1185 of instructional personnel and school administrators upon
 1186 student performance, but may include other criteria approved to
 1187 evaluate assess instructional personnel and school
 1188 administrators' performance, or any combination of student
 1189 performance and other approved criteria. The procedures must
 1190 comply with, but are not limited to, the following requirements:

1191 (a) An appraisal assessment must be conducted for each
 1192 employee at least once a year, except that an appraisal for each
 1193 teacher, as described in s. 1012.22(1)(c)3., must be conducted
 1194 at least twice a year. ~~The assessment must be based upon sound~~
 1195 ~~educational principles and contemporary research in effective~~
 1196 ~~educational practices. The assessment must primarily use data~~
 1197 ~~and indicators of improvement in student performance assessed~~
 1198 ~~annually as specified in s. 1008.22 and may consider results of~~
 1199 ~~peer reviews in evaluating the employee's performance. Student~~
 1200 ~~performance must be measured by state assessments required under~~
 1201 ~~s. 1008.22 and by local assessments for subjects and grade~~
 1202 ~~levels not measured by the state assessment program. The~~
 1203 appraisal assessment criteria must include, but are not limited

1204 to, indicators that relate to the following:

1205 1. Performance of students.

1206 a. Beginning with the 2014-2015 school year and

1207 thereafter, for the classroom teacher, the learning gains of

1208 students assigned to the teacher must comprise more than 50

1209 percent of the determination of the classroom teacher's

1210 performance. Beginning with the 2014-2015 school year and

1211 thereafter, for instructional personnel who are not classroom

1212 teachers, the learning gains of students assigned to the school

1213 must comprise more than 50 percent of the determination of the

1214 individual's performance. A school district may use the learning

1215 gains of students assigned to the classroom teacher for the

1216 preceding 3 years or, for instructional personnel who are not

1217 classroom teachers, the learning gains of students assigned to

1218 the school for the preceding 3 years, to determine the

1219 individual's performance. For purposes of this sub-subparagraph,

1220 "school" means the school to which the instructional personnel

1221 who is not a classroom teacher was assigned for the last 3

1222 years. Student learning gains are measured by state assessments

1223 required under s. 1008.22, examinations in AP, IB, AICE, or a

1224 national industry certification identified in the Industry

1225 Certification Funding List pursuant to rules adopted by the

1226 State Board of Education, or district assessments for subject

1227 areas and grade levels as required under s. 1008.222.

1228 b. For instructional personnel, more than 50 percent of

1229 the determination of the individual's performance must be based

1230 on the performance of students assigned to their classrooms or

1231 schools, as appropriate. Student performance must be measured by

1232 state assessments required under s. 1008.22 and by local
 1233 assessments for subjects and grade levels not measured by the
 1234 state assessment program. This sub-subparagraph expires July 1,
 1235 2014.

1236 2. Instructional practice. For instructional personnel,
 1237 performance criteria must be based on the Florida Educator
 1238 Accomplished Practices adopted by the State Board of Education
 1239 by rule, which include:

1240 a. Ability to maintain appropriate discipline.

1241 ~~b.3. Knowledge of subject matter. The district school~~
 1242 ~~board shall make special provisions for evaluating teachers who~~
 1243 ~~are assigned to teach out of field.~~

1244 c.4. Ability to plan and deliver effective instruction and
 1245 the effective use of technology in the classroom.

1246 d.5. Ability to use assessment data and other evidence of
 1247 student learning to design and implement differentiated
 1248 instructional strategies in order to meet individual student
 1249 needs for remediation or acceleration ~~evaluate instructional~~
 1250 ~~needs.~~

1251 ~~e.6. Ability to establish and maintain a positive~~
 1252 ~~collaborative relationship with students' families to increase~~
 1253 ~~student achievement.~~

1254 ~~f.7. Other professional competencies, responsibilities,~~
 1255 ~~and requirements as established by rules of the State Board of~~
 1256 ~~Education and policies of the district school board.~~

1257 3. Instructional leadership performance.

1258 a. Beginning with the 2014-2015 school year and
 1259 thereafter, for a school-based administrator, the learning gains

1260 of students assigned to the school must comprise more than 50
 1261 percent of the determination of the school-based administrator's
 1262 performance. A school district may use the learning gains of
 1263 students assigned to the school for the preceding 3 years to
 1264 determine the school-based administrator's performance. For
 1265 purposes of this sub-subparagraph, "school" means the school to
 1266 which the administrator was assigned for the last 3 years.
 1267 Student learning gains are measured by state assessments
 1268 required under s. 1008.22, examinations in AP, IB, AICE, or a
 1269 national industry certification identified in the Industry
 1270 Certification Funding List pursuant to rules adopted by the
 1271 State Board of Education, or district assessments for subject
 1272 areas and grade levels as required under s. 1008.222.

1273 b. For school-based administrators, more than 50 percent
 1274 of the determination of the individual's performance must be
 1275 based on the performance of students assigned to their schools.
 1276 Student performance must be measured by state assessments
 1277 required under s. 1008.22 and by local assessments for subjects
 1278 and grade levels not measured by the state assessment program.
 1279 This sub-subparagraph expires July 1, 2014.

1280 4. Instructional leadership practice. For a school-based
 1281 administrator, performance criteria must be based on the Florida
 1282 Principal Leadership Standards adopted by the State Board of
 1283 Education under s. 1012.986, which includes the ability to:

1284 a. Manage human, financial, and material resources so as
 1285 to maximize the share of resources used for direct instruction,
 1286 as opposed to overhead or other purposes; and

1287 b. Recruit and retain high-performing teachers.

1288 (b) All personnel must be fully informed of the criteria
 1289 and procedures associated with the appraisal ~~assessment~~ process
 1290 before the appraisal ~~assessment~~ takes place.

1291 (c) The individual responsible for supervising the
 1292 employee must evaluate ~~assess~~ the employee's performance. The
 1293 evaluator must submit a written report of the appraisal
 1294 ~~assessment~~ to the district school superintendent for the purpose
 1295 of reviewing the employee's contract. The evaluator must submit
 1296 the written report to the employee no later than 10 days after
 1297 the appraisal ~~assessment~~ takes place. The evaluator must discuss
 1298 the written report of the appraisal ~~assessment~~ with the
 1299 employee. The employee shall have the right to initiate a
 1300 written response to the appraisal ~~assessment~~, and the response
 1301 shall become a permanent attachment to his or her personnel
 1302 file.

1303 (d) If an employee is not performing his or her duties in
 1304 a satisfactory manner, the evaluator shall notify the employee
 1305 in writing of such determination. The notice must describe such
 1306 unsatisfactory performance and include notice of the following
 1307 procedural requirements:

1308 1. Upon delivery of a notice of unsatisfactory
 1309 performance, the evaluator must confer with the employee, make
 1310 recommendations with respect to specific areas of unsatisfactory
 1311 performance, and provide assistance in helping to correct
 1312 deficiencies within a prescribed period of time.

1313 2.a. If the employee holds an annual contract as provided
 1314 in s. 1012.335, and receives an unsatisfactory performance
 1315 appraisal pursuant to the criteria in subparagraph (a)2., the

1316 employee may request a review of the appraisal by the district
 1317 school superintendent or his or her designee. The district
 1318 school superintendent may review the employee's appraisal.

1319 b. If the employee holds a professional service contract
 1320 as provided in s. 1012.33, the employee shall be placed on
 1321 performance probation and governed by the provisions of this
 1322 section for 90 calendar days following the receipt of the notice
 1323 of unsatisfactory performance to demonstrate corrective action.
 1324 School holidays and school vacation periods are not counted when
 1325 calculating the 90-calendar-day period. During the 90 calendar
 1326 days, the employee who holds a professional service contract
 1327 must be evaluated periodically and apprised of progress achieved
 1328 and must be provided assistance and inservice training
 1329 opportunities to help correct the noted performance
 1330 deficiencies. At any time during the 90 calendar days, the
 1331 employee who holds a professional service contract may request a
 1332 transfer to another appropriate position with a different
 1333 supervising administrator; however, a transfer does not extend
 1334 the period for correcting performance deficiencies.

1335 c.b. Within 14 days after the close of the 90 calendar
 1336 days, the evaluator must evaluate ~~assess~~ whether the performance
 1337 deficiencies have been corrected and forward a recommendation to
 1338 the district school superintendent. Within 14 days after
 1339 receiving the evaluator's recommendation, the district school
 1340 superintendent must notify the employee who holds a professional
 1341 service contract in writing whether the performance deficiencies
 1342 have been satisfactorily corrected and whether the district
 1343 school superintendent will recommend that the district school

1344 board continue or terminate his or her employment contract. If
 1345 the employee wishes to contest the district school
 1346 superintendent's recommendation, the employee must, within 15
 1347 days after receipt of the district school superintendent's
 1348 recommendation, submit a written request for a hearing. The
 1349 hearing shall be conducted at the district school board's
 1350 election in accordance with one of the following procedures:

1351 (I) A direct hearing conducted by the district school
 1352 board within 60 days after receipt of the written appeal. The
 1353 hearing shall be conducted in accordance with the provisions of
 1354 ss. 120.569 and 120.57. A majority vote of the membership of the
 1355 district school board shall be required to sustain the district
 1356 school superintendent's recommendation. The determination of the
 1357 district school board shall be final as to the sufficiency or
 1358 insufficiency of the grounds for termination of employment; or

1359 (II) A hearing conducted by an administrative law judge
 1360 assigned by the Division of Administrative Hearings of the
 1361 Department of Management Services. The hearing shall be
 1362 conducted within 60 days after receipt of the written appeal in
 1363 accordance with chapter 120. The recommendation of the
 1364 administrative law judge shall be made to the district school
 1365 board. A majority vote of the membership of the district school
 1366 board shall be required to sustain or change the administrative
 1367 law judge's recommendation. The determination of the district
 1368 school board shall be final as to the sufficiency or
 1369 insufficiency of the grounds for termination of employment.

1370 (4) The district school superintendent shall notify the
 1371 department of any instructional personnel who receive two

1372 consecutive unsatisfactory evaluations and who have been given
 1373 written notice by the district that their employment is being
 1374 terminated or is not being renewed or that the district school
 1375 board intends to terminate, or not renew, their employment. The
 1376 department shall conduct an investigation to determine whether
 1377 action shall be taken against the certificateholder pursuant to
 1378 s. 1012.795(1)(c).

1379 (5) The district school superintendent shall develop a
 1380 mechanism for evaluating the effective use of appraisal
 1381 ~~assessment~~ criteria and evaluation procedures by administrators
 1382 who are assigned responsibility for evaluating the performance
 1383 of instructional personnel. The use of the appraisal ~~assessment~~
 1384 and evaluation procedures shall be considered as part of the
 1385 annual appraisal ~~assessment~~ of the administrator's performance.
 1386 The system must include a mechanism to give parents and teachers
 1387 an opportunity to provide input into the administrator's
 1388 performance assessment, ~~when appropriate.~~

1389 (6) Nothing in this section shall be construed to grant a
 1390 probationary employee a right to continued employment beyond the
 1391 term of his or her contract.

1392 (7) The district school board shall establish a procedure
 1393 annually reviewing instructional personnel appraisal ~~assessment~~
 1394 systems to determine compliance with this section. All
 1395 substantial revisions to an approved system must be reviewed and
 1396 approved by the district school board before being used to
 1397 evaluate ~~assess~~ instructional personnel. Upon request by a
 1398 school district, the department shall provide assistance in
 1399 developing, improving, or reviewing an appraisal ~~assessment~~

1400 system.
 1401 (8) The State Board of Education shall adopt rules
 1402 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 1403 guidelines for the submission, review, and approval of district
 1404 procedures for the annual appraisal assessment of instructional
 1405 personnel and school-based administrative personnel and that
 1406 include the method of calculating rates of student learning tied
 1407 to differentiated levels of performance as provided for in
 1408 paragraph (2)(g) and criteria for evaluating professional
 1409 performance.

1410 Section 29. Subsection (3) is added to section 1012.42,
 1411 Florida Statutes, to read:

1412 1012.42 Teacher teaching out-of-field.-

1413 (3) CERTIFICATION REQUIREMENTS.-Beginning in the 2010-2011
 1414 school year, a district school board shall not assign any
 1415 beginning teacher to teach reading, science, or mathematics if
 1416 he or she is not certified in reading, science, or mathematics.

1417 Section 30. Section 1012.52, Florida Statutes, is
 1418 repealed.

1419 Section 31. Paragraph (c) of subsection (2), subsections
 1420 (5), (6), and (7), paragraph (b) of subsection (9), and
 1421 subsection (17) of section 1012.56, Florida Statutes, are
 1422 amended to read:

1423 1012.56 Educator certification requirements.-

1424 (2) ELIGIBILITY CRITERIA.-To be eligible to seek
 1425 certification, a person must:

1426 (c) Document receipt of a bachelor's or higher degree from
 1427 an accredited institution of higher learning, or a nonaccredited

1428 institution of higher learning that the Department of Education
 1429 has identified as having a quality program resulting in a
 1430 bachelor's degree, or higher. Each applicant seeking initial
 1431 certification must have attained at least a 2.5 overall grade
 1432 point average on a 4.0 scale in the applicant's major field of
 1433 study. The applicant may document the required education by
 1434 submitting official transcripts from institutions of higher
 1435 education or by authorizing the direct submission of such
 1436 official transcripts through established electronic network
 1437 systems. The bachelor's or higher degree may not be required in
 1438 areas approved in rule by the State Board of Education as
 1439 nondegreed areas. The State Board of Education may adopt rules
 1440 that, for purposes of demonstrating completion of certification
 1441 requirements specified in state board rule, allow for the
 1442 acceptance of college course credits recommended by the American
 1443 Council on Education (ACE), as posted on an official ACE
 1444 transcript.

1445 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
 1446 demonstrating mastery of subject area knowledge are:

1447 (a) Achievement of passing scores on subject area
 1448 examinations required by state board rule, which may include,
 1449 but need not be limited to, world languages in Arabic, Chinese,
 1450 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
 1451 Italian, Japanese, Portuguese, Russian, and Spanish;

1452 (b) Completion of a bachelor's degree or higher and
 1453 verification of the attainment of an oral proficiency interview
 1454 score above the intermediate level and a written proficiency
 1455 score above the intermediate level on a test administered by the

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1456 American Council on the Teaching of Foreign Languages for which
 1457 there is no Florida-developed examination;

1458 (c) Completion of the subject area specialization
 1459 requirements specified in state board rule and verification of
 1460 the attainment of the essential subject matter competencies by
 1461 the district school superintendent of the employing school
 1462 district or chief administrative officer of the employing state-
 1463 supported or private school for a subject area for which a
 1464 subject area examination has not been developed and required by
 1465 state board rule;

1466 (d) Completion of the subject area specialization
 1467 requirements specified in state board rule for a subject
 1468 coverage requiring a master's or higher degree and achievement
 1469 of a passing score on the subject area examination specified in
 1470 state board rule;

1471 (e) A valid professional standard teaching certificate
 1472 issued by another state and achievement of a passing score on
 1473 the subject area examination specified in State Board of
 1474 Education rule or by a full demonstration of mastery of his or
 1475 her ability to teach the subject area for which he or she is
 1476 seeking certification, as provided by rules of the State Board
 1477 of Education; or

1478 (f) A valid certificate issued by the National Board for
 1479 Professional Teaching Standards or a national educator
 1480 credentialing board approved by the State Board of Education.

1481
 1482 School districts are encouraged to provide mechanisms for those
 1483 middle school teachers holding only a K-6 teaching certificate

1484 to obtain a subject area coverage for middle grades through
 1485 postsecondary coursework or district add-on certification.

1486 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 1487 COMPETENCE.—Acceptable means of demonstrating mastery of
 1488 professional preparation and education competence are:

1489 (a) Completion of an approved teacher preparation program
 1490 at a postsecondary educational institution within this state and
 1491 achievement of a passing score on the professional education
 1492 competency examination required by state board rule;

1493 (b) Completion of a teacher preparation program at a
 1494 postsecondary educational institution outside Florida and
 1495 achievement of a passing score on the professional education
 1496 competency examination required by state board rule;

1497 (c) A valid professional standard teaching certificate
 1498 issued by another state;

1499 (d) A valid certificate issued by the National Board for
 1500 Professional Teaching Standards or a national educator
 1501 credentialing board approved by the State Board of Education;

1502 (e) Documentation of two semesters of successful teaching
 1503 in a community college, state university, or private college or
 1504 university that awards an associate or higher degree and is an
 1505 accredited institution or an institution of higher education
 1506 identified by the Department of Education as having a quality
 1507 program;

1508 (f) Completion of professional preparation courses as
 1509 specified in state board rule, successful completion of a
 1510 professional education competence demonstration program pursuant
 1511 to paragraph (8) (b), and achievement of a passing score on the

1512 professional education competency examination required by state
 1513 board rule;

1514 (g) Successful completion of a professional preparation
 1515 alternative certification and education competency program,
 1516 outlined in paragraph (8)(a); ~~or~~

1517 (h) Successful completion of an alternative certification
 1518 program pursuant to s. 1004.85 and achievement of a passing
 1519 score on the professional education competency examination
 1520 required by rule of the State Board of Education; or.

1521 (i) Successful completion of a professional education
 1522 training program provided by Teach for America and achievement
 1523 of a passing score on the professional education competency
 1524 examination required by rule of the State Board of Education.

1525 (7) TYPES AND TERMS OF CERTIFICATION.—

1526 (a) The Department of Education shall issue a professional
 1527 certificate for a period not to exceed 5 years to any applicant
 1528 who meets all the requirements outlined in subsection (2).

1529 (b) The department shall issue a temporary certificate to
 1530 any applicant who meets the following requirements:

1531 1. Completes the requirements outlined in paragraphs

1532 (2)(a)-(f); and

1533 2.a. Completes the subject area content requirements
 1534 specified in state board rule; or

1535 b. Demonstrates mastery of subject area knowledge pursuant
 1536 to subsection (5); and

1537 3. Holds an accredited degree or a degree approved by the
 1538 Department of Education at the level required for the subject
 1539 area specialization in state board rule.

1540 (c) The department shall issue one nonrenewable 2-year
 1541 temporary certificate and one nonrenewable 5-year professional
 1542 certificate to a qualified applicant who holds a bachelor's
 1543 degree in the area of speech-language impairment to allow for
 1544 completion of a master's degree program in speech-language
 1545 impairment.

1546
 1547 Each temporary certificate is valid for 3 school fiscal years
 1548 and is nonrenewable. However, the requirement in paragraphs
 1549 ~~paragraph~~ (2)(g) and (h) must be met within 1 calendar year of
 1550 the date of employment under the temporary certificate.
 1551 Individuals who are employed under contract at the end of the 1
 1552 calendar year time period may continue to be employed through
 1553 the end of the school year in which they have been contracted. A
 1554 school district shall not employ, or continue the employment of,
 1555 an individual in a position for which a temporary certificate is
 1556 required beyond this time period if the individual has not met
 1557 the requirement of paragraph (2)(g) or paragraph (2)(h). The
 1558 State Board of Education shall adopt rules to allow the
 1559 department to extend the validity period of a temporary
 1560 certificate for 2 years when the requirements for the
 1561 professional certificate, not including the requirement in
 1562 paragraph (2)(g) or paragraph (2)(h), were not completed due to
 1563 the serious illness or injury of the applicant or other
 1564 extraordinary extenuating circumstances. The department shall
 1565 reissue the temporary certificate for 2 additional years upon
 1566 approval by the Commissioner of Education. A written request for
 1567 reissuance of the certificate shall be submitted by the district

1568 school superintendent, the governing authority of a university
 1569 lab school, the governing authority of a state-supported school,
 1570 or the governing authority of a private school.

1571 (9) EXAMINATIONS.—

1572 (b) The State Board of Education shall, by rule, specify
 1573 the examination scores that are required for the issuance of a
 1574 professional certificate and temporary certificate. Such rules
 1575 must define generic subject area and reading instruction
 1576 competencies and must establish uniform evaluation guidelines.
 1577 The State Board of Education shall review the current subject
 1578 area examinations and, if necessary, revise the passing scores
 1579 and reading instruction pursuant to s. 1001.215 required for
 1580 achieving certification in order to match expectations for
 1581 teacher competency in each subject area.

1582 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—

1583 ~~Beginning with the 2003-2004 school year,~~ The Department of
 1584 Education shall conduct a longitudinal study to compare
 1585 performance of certificateholders who are employed in Florida
 1586 school districts. The study shall compare ~~a sampling of~~
 1587 educators who have qualified for a professional certificate
 1588 ~~since July 1, 2002,~~ based on the following:

1589 (a) Graduation from a state-approved teacher preparation
 1590 program.

1591 (b) Completion of a state-approved professional
 1592 preparation and education competency program.

1593 (c) A valid standard teaching certificate issued by a
 1594 state other than Florida.

1595

1596 The department comparisons shall be made to determine if there
 1597 is any significant difference in the performance of these groups
 1598 of teachers, as measured by their students' achievement levels
 1599 and learning gains as measured by s. 1008.22.

1600 Section 32. Paragraph (b) of subsection (2) and subsection
 1601 (5) of section 1012.585, Florida Statutes, are amended, and
 1602 subsection (6) is added to that section, to read:

1603 1012.585 Process for renewal of professional
 1604 certificates.-

1605 (2)

1606 (b) A teacher with national certification from the
 1607 National Board for Professional Teaching Standards is deemed to
 1608 meet state renewal requirements ~~for the life of the teacher's~~
 1609 ~~national certificate~~ in the subject shown on the national
 1610 certificate. A complete renewal application and fee shall be
 1611 submitted. The Commissioner of Education shall notify teachers
 1612 of the renewal application and fee requirements. This paragraph
 1613 expires July 1, 2014.

1614 (5) The State Board of Education shall adopt rules to
 1615 allow the reinstatement of expired professional certificates.
 1616 The department may reinstate an expired professional certificate
 1617 if the certificateholder:

1618 (a) Submits an application for reinstatement of the
 1619 expired certificate.

1620 (b) Documents completion of 6 college credits during the 5
 1621 years immediately preceding reinstatement of the expired
 1622 certificate, completion of 120 inservice points, or a
 1623 combination thereof, in an area specified in paragraph (3) (a).

1624 (c) Meets the requirements in subsection (6).
 1625 ~~(d)(e)~~ During the 5 years immediately preceding
 1626 reinstatement of the certificate, achieves a passing score on
 1627 the subject area test for each subject to be shown on the
 1628 reinstated certificate.

1629
 1630 The requirements of this subsection may not be satisfied by
 1631 subject area tests or college credits completed for issuance of
 1632 the certificate that has expired.

1633 (6) Beginning with the 2014-2015 school year, the
 1634 requirements for the renewal of a professional certificate shall
 1635 include documentation of effective or highly effective
 1636 performance as demonstrated under s. 1012.34 for at least 4 of
 1637 the preceding 5 years before the renewal certification is
 1638 sought. The State Board of Education shall adopt rules to define
 1639 the process for documenting effective performance under this
 1640 subsection, including equivalent options for individuals who
 1641 have not been evaluated under s. 1012.34. An individual's
 1642 certificate shall expire if the individual is not able to
 1643 demonstrate effective performance as required under this
 1644 subsection and the rules of the state board. The individual may
 1645 apply to reinstate his or her professional certificate under
 1646 subsection (5).

1647 Section 33. Subsection (2) of section 1012.72, Florida
 1648 Statutes, is amended to read:

1649 1012.72 Dale Hickam Excellent Teaching Program.—

1650 (2) The Dale Hickam Excellent Teaching Program is created
 1651 to provide categorical funding for bonuses for teaching

1652 excellence. The bonuses may be provided for initial
 1653 certification for up to one 10-year period for individuals
 1654 holding NBPTS certification on July 1, 2010, and who remain
 1655 continuously employed in a public school in this state or the
 1656 Florida School for the Deaf and the Blind. The Department of
 1657 Education shall distribute to each school district an amount as
 1658 prescribed annually by the Legislature for the Dale Hickam
 1659 Excellent Teaching Program. For purposes of this section, the
 1660 Florida School for the Deaf and the Blind shall be considered a
 1661 school district. Unless otherwise provided in the General
 1662 Appropriations Act, each distribution shall be the sum of the
 1663 amounts earned for the following:

1664 (a) 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 holds NBPTS certification and is employed by the
 1668 district school board or by a public school within the school
 1669 district. The district school board shall distribute the annual
 1670 bonus to each individual who meets the requirements of this
 1671 paragraph and who is certified annually by the district to have
 1672 demonstrated satisfactory teaching performance pursuant to s.
 1673 1012.34. The annual bonus may be paid as a single payment or
 1674 divided into not more than three payments.

1675 (b) An annual bonus equal to 10 percent of the prior
 1676 fiscal year's statewide average salary for classroom teachers to
 1677 be distributed to the school district to be paid to each
 1678 individual who meets the requirements of paragraph (a) and
 1679 agrees, in writing, to provide the equivalent of 12 workdays of

1680 mentoring and related services to public school teachers within
 1681 the state who do not hold NBPTS certification. Related services
 1682 must include instruction in helping teachers work more
 1683 effectively with the families of their students. The district
 1684 school board shall distribute the annual bonus in a single
 1685 payment following the completion of all required mentoring and
 1686 related services for the year. It is not the intent of the
 1687 Legislature to remove excellent teachers from their assigned
 1688 classrooms; therefore, credit may not be granted by a school
 1689 district or public school for mentoring or related services
 1690 provided during student contact time during the 196 days of
 1691 required service for the school year.

1692 (c) The employer's share of social security and Medicare
 1693 taxes for those teachers who receive bonus amounts under
 1694 paragraph (a) or paragraph (b).

1695 Section 34. Subsection (1) of section 1012.79, Florida
 1696 Statutes, is amended to read:

1697 1012.79 Education Practices Commission; organization.—

1698 (1) The Education Practices Commission consists of 25
 1699 members, including 11 & teachers; 5 administrators, at least one
 1700 of whom may ~~shall~~ represent a private school; 5 7 lay citizens,
 1701 3 5 of whom shall be parents of public school students and who
 1702 are unrelated to public school employees and 2 of whom shall be
 1703 former district school board members; and 4 5 sworn law
 1704 enforcement officials, appointed by the State Board of Education
 1705 from nominations by the Commissioner of Education and subject to
 1706 Senate confirmation. Prior to making nominations, the
 1707 commissioner shall consult with teaching associations, parent

1708 organizations, law enforcement agencies, and other involved
 1709 associations in the state. In making nominations, the
 1710 commissioner shall attempt to achieve equal geographical
 1711 representation, as closely as possible.

1712 (a) A teacher member, in order to be qualified for
 1713 appointment:

- 1714 1. Must be certified to teach in the state.
- 1715 2. Must be a resident of the state.
- 1716 3. Must have practiced the profession ~~in this state~~ for at
 1717 least 10 years, with at least 5 years of experience in this
 1718 state immediately preceding the appointment.

1719 (b) A school administrator member, in order to be
 1720 qualified for appointment:

- 1721 1. Must have an endorsement on the educator certificate in
 1722 the area of school administration or supervision.
- 1723 2. Must be a resident of the state.
- 1724 3. Must have practiced the profession as an administrator
 1725 for at least 5 years immediately preceding the appointment.

1726 (c) The lay members must be residents of the state.

1727 (d) The law enforcement official members must have served
 1728 in the profession for at least 5 years immediately preceding
 1729 appointment and have background expertise in child safety.

1730 Section 35. Paragraph (h) of subsection (1) of section
 1731 1012.795, Florida Statutes, is amended to read:

1732 1012.795 Education Practices Commission; authority to
 1733 discipline.—

1734 (1) The Education Practices Commission may suspend the
 1735 educator certificate of any person as defined in s. 1012.01(2)

1736 or (3) for up to 5 years, thereby denying that person the right
 1737 to teach or otherwise be employed by a district school board or
 1738 public school in any capacity requiring direct contact with
 1739 students for that period of time, after which the holder may
 1740 return to teaching as provided in subsection (4); may revoke the
 1741 educator certificate of any person, thereby denying that person
 1742 the right to teach or otherwise be employed by a district school
 1743 board or public school in any capacity requiring direct contact
 1744 with students for up to 10 years, with reinstatement subject to
 1745 the provisions of subsection (4); may revoke permanently the
 1746 educator certificate of any person thereby denying that person
 1747 the right to teach or otherwise be employed by a district school
 1748 board or public school in any capacity requiring direct contact
 1749 with students; may suspend the educator certificate, upon an
 1750 order of the court or notice by the Department of Revenue
 1751 relating to the payment of child support; or may impose any
 1752 other penalty provided by law, if the person:

1753 (h) Has breached a contract, as provided in s. 1012.33(2)
 1754 or s. 1012.335.

1755 Section 36. Review of teacher preparation program
 1756 funding.—

1757 (1) The Department of Education, in collaboration with the
 1758 Board of Governors, shall develop a methodology to determine the
 1759 cost-effectiveness of the teacher preparation programs in ss.
 1760 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
 1761 methodology for determining program costs must use existing
 1762 expenditure data, when available.

1763 (2) On or before December 1, 2011, the Department of

1764 Education shall submit a report to the Governor, the President
 1765 of the Senate, and the Speaker of the House of Representatives
 1766 which:

1767 (a) Provides a methodology to evaluate the cost-
 1768 effectiveness of teacher preparation programs based on program
 1769 costs, program outcomes of student cohorts such as completion
 1770 rates, placement rates in teaching jobs, retention rates in the
 1771 classroom, and student achievement and learning gains of
 1772 students taught by graduates;

1773 (b) Uses the methodology developed to evaluate the cost-
 1774 effectiveness of the state's teacher preparation programs; and

1775 (c) Provides recommendations that would enhance the
 1776 Legislature's ability to consider the program's productivity
 1777 when allocating funds.

1778 (3) The Office of Program Policy Analysis and Government
 1779 Accountability shall review the current standards for the
 1780 continued approval of teacher preparation programs and make
 1781 recommendations to the Legislature on or before January 1, 2012,
 1782 for any needed changes. Such recommendations shall include
 1783 proposed changes to the allocation of any state funds to teacher
 1784 preparation programs and the students enrolled in these
 1785 programs.

1786 Section 37. (1) Any school district that received a grant
 1787 of at least \$75 million from a private foundation for the
 1788 purpose of improving the effectiveness of teachers within the
 1789 school district may seek an annual exemption from the State
 1790 Board of Education of ss. 1008.222 and 1011.626, Florida
 1791 Statutes, as created by this act, and the amendments to ss.

1792 1012.22 and 1012.34, Florida Statutes, made by this act.

1793 (2) To receive approval from the State Board of Education
 1794 for an exemption under this section, a school district must
 1795 demonstrate to the State Board of Education that it is
 1796 implementing the following:

1797 (a) A teacher appraisal system that uses student
 1798 performance as the single greatest component of the teacher's
 1799 evaluation.

1800 (b) A teacher compensation system that awards salary
 1801 increases based on sustained student performance.

1802 (c) A teacher contract system that awards contracts based
 1803 on student performance.

1804 (3) The State Board of Education shall annually renew a
 1805 school district's exemption if the school district provides a
 1806 progress report that demonstrates that the school district
 1807 continues to meet the requirements of subsection (2).

1808 (4) The State Board of Education shall adopt rules
 1809 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
 1810 establish the procedures for applying for an exemption under
 1811 this section.

1812 Section 38. If any provision of this act or its
 1813 application to any person or circumstance is held invalid, the
 1814 invalidity does not affect other provisions or applications of
 1815 the act which can be given effect without the invalid provision
 1816 or application, and to this end the provisions of this act are
 1817 severable.

1818 Section 39. The amendment to s. 1012.33, Florida Statutes,
 1819 made by this act shall apply to contracts newly entered into,

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1820 extended, or readopted on or after July 1, 2010, and to all
1821 contracts on or after July 1, 2013.

1822 Section 40. Except as otherwise expressly provided in this
1823 act, this act shall take effect July 1, 2010.

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing PCB: PreK-12 Policy Committee
2 Representative Jones offered the following:

3
4 **Amendment**

5 Remove lines 1060-1119 and insert:

6 1012.335 Contracts with classroom teachers newly hired on
7 or after July 1, 2010.-

8 (1) DEFINITIONS.-As used in this section, the term:

9 (a) "Annual contract" means a contract for a period of no
10 longer than 1 school year which the district school board, in
11 accordance with procedures developed by the school board, may
12 choose to renew or not renew for a subsequent term without
13 cause.

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

16 (c) "Performance contract" means a contract for a period of
17 no longer than 1 school year which shall be renewed, in
18 accordance with procedures developed by the district school
19 board, for an additional 1 year term if the classroom teacher

Amendment No. 01

20 seving pursuant to such contract achieves an appraisal rating of
21 effective or highly effective as defined in s. 1012.34.

22 (d) "Probationary contract" means a contract for a period
23 of no longer than 1 school year during which a classroom teacher
24 may be dismissed without cause, or may resign from the
25 contractual position without breach of contract, in accordance
26 with procedures developed by the district school board.

27 (2) EMPLOYMENT.—

28 (a) Beginning July 1, 2010, each person newly hired as a
29 classroom teacher by a school district shall receive a
30 probationary contract.

31 (b) Upon completion of the term of the probationary
32 contract, a classroom teacher who is recommended for additional
33 employment in accordance with procedures developed by the
34 district school board, shall be awarded an annual contract if
35 the teacher:

36 1. Holds a professional certificate as prescribed by s. 38
37 1012.56 and in the rules of the State Board of Education; and

38 2. Has been recommended by the district school
39 superintendent for an annual contract and approved by the
40 district school board.

41 (c) Upon completion of 5 years of employment, a classroom
42 teacher shall be awarded a performance contract in accordance
43 with procedures developed by the district school board if the
44 teacher:

45 1. Holds a professional certificate as prescribed by s.
46 1012.56 and in the rules of the State Board of Education; and

Amendment No. 01

47 2. Has been recommended by the district school
48 superintendent for an additional year of employment and approved
49 by the district school board.

50 (d) If the classroom teacher has received effective or
51 highly effective appraisal ratings during the probationary and 3
52 annual contract terms, the teacher shall be awarded a
53 performance contract in accordance with procedures developed by
54 the district school board after 4 years of employment if the
55 teacher:

56 1. Holds a professional certificate as prescribed by s.
57 1012.56 and in the rules of the State Board of Education; and

58 2. Has been recommended by the district school
59 superintendent for an additional year of employment and approved
60 by the district school board.

61 (e) A classroom teacher shall be awarded additional 1 year
62 performance contracts in accordance with procedures developed by
63 the district school board as long as he or she receives an
64 effective or highly effective designation on his or her
65 appraisal pursuant to s. 1012.34 in at least 2 of the 3
66 preceding years of employment.

67 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
68 OR PERFORMANCE CONTRACTS.—A classroom teacher who has an annual
69 or performance contract may be suspended or dismissed at any
70 time during the term of the contract, and a classroom teacher
71 who has a performance contract may be returned to annual
72 contract status at the end of any school year in accordance with
73 procedures developed by the district school board for just cause
74 as provided in subsection (4). The district school board must

Amendment No. 01

75 notify a classroom teacher in writing of the charges that are
76 made against the classroom teacher, and the district school
77 board may suspend him or her with or without pay in accordance
78 with procedures developed by the school board. The classroom
79 teacher may contest the charges that are made in accordance with
80 procedures adopted by the district school board and chapter 120.
81 If the charges are not sustained, the classroom teacher shall be
82 immediately reinstated and his or her back pay and benefits
83 shall be paid.

84 (4) JUST CAUSE.—The State Board of Education shall adopt
85 rules to define the term "just cause." Just cause shall include:

86 (a) Immorality.

87 (b) Misconduct in office.

88 (c) Incompetency.

89 (d) Gross insubordination.

90 (e) Willful neglect of duty.

91 (f) Being convicted or found guilty of, or entering a plea
92 of guilty to, regardless of adjudication of guilt, any crime of
93 moral turpitude.

94 (g) Unsatisfactory performance as demonstrated by a lack of
95 student learning gains as specified in s. 1012.34.

Amendment No. 02

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Policy Committee
2 Representative Bullard offered the following:

3
4 **Amendment (with directory amendment)**

5 Remove lines 1633-1646
6
7
8

9 -----
10 **D I R E C T O R Y A M E N D M E N T**

11 Remove lines 1601-1602 and insert:
12 (5) of section 1012.585, Florida Statutes, are amended to read:

Amendment No. 03

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing PCB: PreK-12 Policy Committee
2 Representative Jones offered the following:

3
4
5
6

Amendment

Remove line 1029 and insert:
may use length of service or degrees held as a factor in

Amendment No. 04

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Policy Committee
2 Representative Jones offered the following:

3
4
5
6

Amendment

Remove line 242 and insert:
charter school may use length of service or degrees held by

Amendment No. 05

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Policy Committee

2 Representative Kiar offered the following:

3

4 **Amendment**

5 Remove lines 1653-1656 and insert:

6 certification for up to one 10-year period. The Department of

Amendment No. 06

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing PCB: PreK-12 Policy Committee
2 Representative Kiar offered the following:

3
4 **Amendment**

5 Between lines 1178 and 1179, insert:

6 (i) The system must take into account factors outside of
7 the teacher's control, such as, but not limited to, natural
8 disasters, socioeconomic factors, age, home environment, etc.,
9 to be used in evaluating the teacher and developing a
10 performance pay plan.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 747 Student Diabetes Management

SPONSOR(S): PreK-12 Policy Committee

TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee		Davis <i>WD</i>	Ahearn <i>JA</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The Proposed Committee Substitute for House Bill 747 (PCS) prohibits school districts from restricting the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time nurse, or that the school does not have trained diabetes personnel. The PCS permits diabetic students, whose parent and physician provide their written authorization to the school principal, to carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule.

The parent of a student authorized to carry diabetic supplies or equipment must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability with respect to the student's use of such supplies and equipment.

The State Board of Education, in cooperation with the Department of Health, must adopt rules for the management and care of diabetes by students in schools that must include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment.

This PCS does not appear to have a fiscal impact on state and local government revenues or expenditures.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Administering Medication in School

Current law authorizes district school board personnel authorized by the school principal to assist students in the administration of prescription medication when they have been trained by a registered nurse, licensed practical nurse, physician, or physician's assistant.¹ Each district school board must adopt policies and procedures governing the administration of prescription medication by district school board personnel. These policies and procedures must include the requirement that, for each prescription medication, parents must provide the school principal with a written statement granting the school principal or the principal's designee permission to assist in administering the child's medication. Parents must also explain why it is necessary for the medication to be provided during the school day, including any occasion when the student is away from school property on official school business.²

Any prescribed medication to be administered by district school board personnel must be received, counted, and stored in its original container. When it is not in use, the medication must be stored in its original container in a secure fashion under lock and key in a location designated by the school principal.³

There is no liability for civil damages as a result of the administration of medication when the person administering the medication acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.⁴

Asthmatic and Severely Allergic Students

Current law permits asthmatic students to carry a metered dose inhaler on their person while in school. The student's parent and physician must provide their approval to the school principal.⁵

¹ s. 1006.062(1)(a), F.S.

² s. 1006.062(1)(b), F.S.

³ s. 1006.062(1)(b)2., F.S.

⁴ s. 1006.062(2), F.S.

⁵ s. 1002.20(3)(h), F.S.

Students who have experienced or are at risk for life-threatening allergic reactions may carry and self-administer an epinephrine auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if parental and physician authorization has been provided to the school. The law requires the State Board of Education (SBE), in cooperation with the Department of Health (DOH), to adopt rules for such use of epinephrine auto-injectors. These rules must include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. The parent must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability with respect to the student's use of an epinephrine auto-injector.⁶

Diabetes

Type 1 diabetes is usually diagnosed in children and young adults.⁷ About one in every 400 to 600 children and adolescents have type 1 diabetes. One in six overweight adolescents aged 12-19 have pre-diabetes.⁸ In type 1 diabetes, the body does not produce insulin. Insulin is a hormone that is needed to convert sugar, starches and other food into energy needed for daily life. Only 5-10 percent of people with diabetes have this form of the disease.⁹

Type 2 diabetes is the most common form of diabetes. Millions of Americans have been diagnosed with type 2 diabetes. With type 2 diabetes, either the body does not produce enough insulin or the cells ignore the insulin, which is necessary for the body to be able to use glucose for energy.¹⁰

Children and teens with diabetes must meet their diabetes needs around the clock, including at school, on field trips, or at school sponsored activities.¹¹ Each student with diabetes has different needs; however the basics of diabetes care are similar. Careful tracking of food intake, monitoring of physical activity, insulin or medication dosing and several daily blood glucose checks enhances the ability to maintain blood glucose levels within target range.¹²

Effect of Proposed Changes

This PCS prohibits school districts from restricting the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time nurse, or that the school does not have trained diabetes personnel. It permits diabetic students, whose parent and physician provide their written authorization to the school principal, to carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school to the extent authorized by the parent and physician and within the parameters set forth by SBE rule. This written authorization must identify the diabetic supplies and equipment that the student is authorized to carry and describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing; administering insulin through the insulin-delivery system used by the student; and treating hypoglycemia and hyperglycemia.

The SBE, in cooperation with the DOH, is required to adopt rules for the management and care of diabetes by students in schools that must include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment.

The parent of a student authorized to carry diabetic supplies or equipment must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability with respect to the student's use of such supplies and equipment.

⁶ s. 1002.20(3)(i), F.S.

⁷ <http://www.diabetes.org/diabetes-basics/type-1/>, American Diabetes Association.

⁸ <http://www.diabetes.org/diabetes-basics/diabetes-statistics/>, American Diabetes Association.

⁹ <http://www.diabetes.org/diabetes-basics/type-1/>, American Diabetes Association.

¹⁰ <http://www.diabetes.org/diabetes-basics/type-2/>, American Diabetes Association.

¹¹ <http://www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/safe-at-school/>, American Diabetes Association.

¹² <http://www.diabetes.org/living-with-diabetes/parents-and-kids/diabetes-care-at-school/>, American Diabetes Association.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20(3), F.S., adding new language preventing school districts from restricting the school assignment of a student who has diabetes; allowing diabetic students to carry and use diabetic supplies and equipment at school; requiring written authorization from parent and physician; requiring the SBE, in cooperation with the DOH, to adopt rules for such use; and providing indemnification from any and all liability of school districts, county health departments, and others by the parents of such students.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This PCS does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This PCS does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This PCS does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This PCS does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The PCS does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The PCS does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The SBE, in cooperation with the DOH, is required to adopt rules for the management and care of diabetes by students in schools that must include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The indemnity provision does not prohibit a person from filing a lawsuit. This provision merely provides that the school district, county health department, public-private partner, and their employees and volunteers may recover from the parent of the student authorized to carry diabetic supplies or equipment.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

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A bill to be entitled
An act relating to student diabetes management; amending
s. 1002.20, F.S.; prohibiting school districts from
restricting the assignment of diabetic students to certain
schools for certain reasons; authorizing a student to
manage diabetes at school with written authorization from
the parent and physician; requiring the State Board of
Education to adopt rules; providing for indemnification of
specified employees, volunteers, and entities; providing
an effective date.

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

Section 1. Paragraph (j) is added to subsection (3) of
section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory
rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(j) Diabetes management.—A school district may not
restrict the assignment of a student who has diabetes to a
particular school on the basis that the student has diabetes,
that the school does not have a full-time school nurse, or that
the school does not have trained diabetes personnel. Diabetic
students whose parent and physician provide their written

29 authorization to the school principal may carry diabetic
 30 supplies and equipment on their person and attend to the
 31 management and care of their diabetes while in school to the
 32 extent authorized by the parent and physician and within the
 33 parameters set forth by State Board of Education rule. The
 34 written authorization shall identify the diabetic supplies and
 35 equipment that the student is authorized to carry and describe
 36 the activities the child is capable of performing without
 37 assistance, such as performing blood-glucose level checks and
 38 urine ketone testing, administering insulin through the insulin-
 39 delivery system used by the student, and treating hypoglycemia
 40 and hyperglycemia. The State Board of Education, in cooperation
 41 with the Department of Health, shall adopt rules for the
 42 management and care of diabetes by students in schools that
 43 include provisions to protect the safety of all students from
 44 the misuse or abuse of diabetic supplies or equipment. A school
 45 district, county health department, and public-private partner
 46 and their employees and volunteers shall be indemnified by the
 47 parent of a student authorized to carry diabetic supplies or
 48 equipment for any and all liability with respect to the
 49 student's use of such supplies and equipment pursuant to this
 50 paragraph.

51 Section 2. This act shall take effect July 1, 2010.

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 747 (2010)

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Policy Committee
2 Representative Weinstein offered the following:

3

4 **Amendment**

5 Remove line 31 and insert:

6 management and care of their diabetes while in school,
7 participating in school-sponsored activities, or in transit to
8 or from school or school-sponsored activities to the

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 747 (2010)

Amendment No. 02

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Policy Committee
2 Representative Weinstein offered the following:

3
4 **Amendment**

5 Remove line 40 and insert:

6 and hyperglycemia. The State Board of Education, in cooperation
7 with the Department of Health, shall adopt rules to encourage
8 that every school in which a student with diabetes is enrolled
9 has personnel trained in routine and emergency diabetes care.

10 The State Board of Education, in cooperation

Amendment No. 03

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12 Policy Committee
2 Representative Weinstein offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 13 and 14, insert:

6 Section 2. Paragraph (b) of subsection (3) of section
7 385.203, Florida Statutes, is amended to read:

8 385.203 Diabetes Advisory Council; creation; function;
9 membership.-

10 (3) The council shall be composed of 25 citizens of the
11 state who have knowledge of, or work in, the area of diabetes
12 mellitus as follows:

13 (b) Twenty-one ~~Twenty~~ members, who must include one
14 representative from each of the following areas: nursing with
15 diabetes-educator certification; dietary with diabetes educator
16 certification; podiatry; ophthalmology or optometry; psychology;
17 pharmacy; adult endocrinology; pediatric endocrinology; the
18 American Diabetes Association (ADA); the Juvenile Diabetes
19 Foundation (JDF); the Florida Academy of Family Physicians; a

Amendment No. 03

20 community health center; a county health department; an American
21 Diabetes Association recognized community education program;
22 each medical school in the state; an osteopathic medical school;
23 the insurance industry; a Children's Medical Services diabetes
24 regional program; and an employer.

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29 **T I T L E A M E N D M E N T**

30 Remove line 2 and insert:

31 An act relating to the treatment of diabetes; amending s.
32 385.203, F.S.; revising the Diabetes Advisory Council
33 membership; amending

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCSMB for HB 1073 & HB 81

Education of Children with Disabilities

SPONSOR(S): Llorente, Hukill

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee		Duncan <i>pdd</i>	Ahearn <i>[Signature]</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Training Requirements for Child Care Personnel

The bill adds training in developmental disabilities, including autism spectrum disorder (autism), and early identification, use of available state and local resources, classroom integration, and positive behavioral supports to the general subjects that must be covered by the introductory child care course required for all child care personnel. The bill also adds training in the recognition and care of infants and toddlers with developmental disabilities, including autism.

Regional Autism Centers

In addition to current responsibilities, the bill requires regional autism centers to coordinate and disseminate local and regional information regarding available services for children with developmental disabilities; and to support state agencies in developing training for early child care providers and educators regarding developmental disabilities.

Continuing Education and Inservice Training for Teaching Students with Developmental Disabilities

The bill requires the Commissioner of Education (COE) to develop recommendations for incorporating training related to autism and other developmental disabilities into continuing education or inservice training requirements for instructional personnel. The recommendations must address specific topics and beginning with the 2010-2011 school year, the Department of Education (DOE) must incorporate the course curricula recommended by the COE into existing requirements for the continuing education and inservice training of instructional personnel. The State Board of Education is granted rulemaking authority for the continuing education and inservice requirements related to teaching students with developmental disabilities.

Use of Seclusion and Restraint on Students with Disabilities

The bill establishes standards and procedures regarding the use, monitoring, and reduction of unnecessary seclusion and restraint on students with disabilities. The bill defines terms and authorizes school personnel to use manual physical restraint and seclusion on a student with disabilities under certain circumstances. School personnel are prohibited from using a mechanical physical restraint on a student or manual physical restraint that restricts a student's breathing. A school must prepare an incident report by the close of the second business day after a student is released from a manual physical restraint. Incident reports must be provided to the DOE each month that the school is in session. School districts must develop policies and procedures regarding the prohibition of the use of mechanical restraints on students, the appropriate use of manual physical restraints and seclusion on students, personnel authorized to use manual physical restraints, and incident-reporting procedures. Each school district is required to provide the required policies and procedures to DOE no later than January 31, 2011, and the required policies and procedures must be published in the school district's special policies and procedures manual. The manual must be provided to parents at the beginning of each school year.

See DRAFTING ISSUES OR OTHER COMMENTS section of the analysis.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcsmb1073.PT.doc
DATE: 3/22/2010

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Training Requirements for Child Care Personnel

Current Law

In 1985, the Legislature passed a law requiring introductory child care training for all child care personnel in child care facilities.¹ The minimum training standards for all child care personnel must include a 40-clock-hour introductory course in child care which covers at least the following topics:

- State and local child care facility rules and regulations.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Behavioral development observation and screening.
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age.²

The introductory child care course must also cover the recognition and prevention of shaken baby syndrome, prevention of sudden infant death syndrome, and early childhood brain development.³

Effect of Proposed Changes

The bill adds training in developmental disabilities, including autism spectrum disorder (autism), and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities to the general subjects that must be covered by the introductory child care course. The bill also adds training in the recognition and care of infants and toddlers with developmental disabilities, including autism.

¹ Chapter 85-54, L.O.F.

² s. 402.305(2)(d), F.S.

³ s. 402.305(2)(d)3., F.S.

Regional Autism Centers

Current Law

Florida has seven regional autism centers⁴ (Centers for Autism and Related Disabilities or CARDs) that have been established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have: autism;⁵ a pervasive developmental disorder that is not otherwise specified; an autistic-like disability; a dual sensory impairment; or a sensory impairment with other handicapping conditions.⁶ Each CARD provides services within a specific geographic area⁷ and must provide:

- A staff with expertise in autism, autistic-like behaviors, and sensory impairments.
- Individual and direct family assistance in the home, community, and school; however, center assistance should not supplant the responsibilities of local and state agencies. School districts are responsible for providing an appropriate education program for school age clients.
- Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client's family, and the school district, and any other services that are appropriate.
- Professional training programs for personnel who work with the populations served by the centers and their families.
- Public education programs.⁸

In addition to the services provided by CARDs, the Florida Diagnostic and Learning Resources System⁹ (FDLRS) provides diagnostic and instructional support services to school district exceptional student education programs and families of students with exceptionalities statewide. FDLRS includes 19 Associate Centers that serve from one to nine school districts. The Associate Centers collaborate with districts, agencies, communities and other personnel and educational entities, to provide education and support for teachers, parents, therapists, school administrators, and students with exceptionalities.¹⁰

Effect of Proposed Changes

In addition to current responsibilities, the bill requires regional autism centers or CARDs to coordinate and disseminate local and regional information regarding available services for children with developmental disabilities and to support state agencies in developing training for early child care providers and educators regarding developmental disabilities.

⁴ The seven regional autism centers are located at the College of Medicine at Florida State University, the College of Medicine at the University of Florida, the University of Florida Health Science Center at Jacksonville, the Mailman Center for Child Development and the Department of Psychology at the University of Miami, the College of Health and Public Affairs at the University of Central Florida, and the Department of Exceptional Student Education at Florida Atlantic University. s. 1004.55(1) (a)-(g), F.S.

⁵ "Autism" means a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests. s. 393.063(3), F.S.

⁶ s. 1004.55(1), F.S.

⁷ s. 1004.55(1)(a)-(g), F.S.

⁸ s. 1004.55(4), F.S.

⁹ The Florida Diagnostic and Learning Resources System (FDLRS) provides diagnostic and instructional support services to district exceptional student education programs and families of students with exceptionalities statewide. Federal and state funds support FDLRS through the Bureau of Exceptional Education and Student Services in the Florida Department of Education.

<http://www.paec.org/fdlrsweb/>.

¹⁰ Department of Education Analysis of HB 1073, February 28, 2010 and <http://www.paec.org/fdlrsweb/>.

Continuing Education and Inservice Training for Teaching Students with Developmental Disabilities

Current Law

School Community Professional Development Act

The School Community Professional Development Act (Act) directs the Department of Education (DOE), public postsecondary educational institutions, public school districts, public schools, and professional organizations to establish a coordinated system of professional development.¹¹ Each school district is required to develop a professional development system which must include inservice activities for instructional personnel focused on:¹²

- Analysis of student achievement data.
- Ongoing formal and informal assessments of student achievement.
- Identification and use of instructional strategies that emphasize rigor, relevance, and reading in the content areas.
- Enhancement of subject content expertise.
- Integrated use of classroom technology that enhances teaching and learning.
- Classroom management, parent involvement, and school safety.

The school district's professional development system must include a master plan for inservice activities for all district employees pursuant to the rules of the State Board of Education (SBE). The district school board must update and approve the plan annually to be in compliance with the Act. The district school board must submit the verification of its approval to the Commissioner of Education (COE) annually.¹³

The DOE is required to approve a school district's development system, but does not approve or recommend specific inservice programs or courses to satisfy local inservice needs. Each school district and developmental research school has staff development directors who supervise and direct district inservice activities for instructional and non-instructional personnel.¹⁴

Current inservice or continuing education for instructional personnel does not require instruction for students with developmental disabilities. Select Exceptional Student Education (ESE)¹⁵ teachers are required to obtain an Autism Spectrum Disorder Endorsement as stipulated in the Course Code Directory.¹⁶ Courses leading to the Autism Spectrum Disorder Endorsement are available through Florida's universities as well as through the Virtual ESE Program which is supported through resources provided by the Bureau of Exceptional Education and Student Services. In addition, six school districts have an approved add-on program for the Autism Spectrum Disorder Endorsement.¹⁷

¹¹ s. 1012.98(1), F.S.

¹² s. 1012.98((4)(b)3., F.S., and Rule 6A-5.071, F.A.C.

¹³ s. 1012.98((4)(b)4., F.S., and Rule 6A-5.071, F.A.C.

¹⁴ s. 1012.98(4)(b)1., F.S. See <http://www.fldoe.org/profdev/inserv.asp>.

¹⁵ District school boards are statutorily required to provide exceptional students in grades K-12 with special education services, also known as exceptional student education (ESE), which include related services such as transportation, appropriate diagnosis, evaluation, special instruction, facilities, and services such as physical and occupational therapy. s. 1003.01(3)(b), F.S. Special instruction, classes, and services may be provided within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet certain standards. s. 1003.57(1), F.S.

¹⁶ The Course Code Directory contains a list of programs and courses that are funded through the Florida Education Finance Program and for which a student may earn credit towards high school graduation. The directory identifies the appropriate educator certification required for specified courses. The directory is updated annually. s 1012.55(1), F.S. and Rule 6A-1.09441, F.A.C.

¹⁷ Department of Education Analysis of HB 1073, February 28, 2010.

Effect of Proposed Changes

The bill requires the COE to develop recommendations for incorporating training related to autism and other developmental disabilities into continuing education or inservice training requirements for instructional personnel. The recommendations must address:

- Early identification of, and intervention for, students who have autism or other developmental disabilities.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- Use of available state and local resources.
- Use of positive behavioral supports used to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.

In developing the recommendations, the COE must consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from Florida's education community, and representatives from entities that promote awareness about autism and other developmental disabilities, including, but not limited to regional autism centers.

Beginning with the 2010-2011 school year, the DOE must incorporate the course curricula recommended by the COE into existing requirements for the continuing education and inservice training of instructional personnel. Current hourly requirements for continuing education and inservice training may not be increased to accommodate the inclusion of the required course content. The SBE is granted rulemaking authority for the continuing education and inservice requirements related to teaching students with developmental disabilities.

Use of Seclusion and Restraint on Students with Disabilities

Current Law

State Board of Education (SBE)

The SBE is required to adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards must be distributed to each school in the state and must provide guidance to district school board personnel in receiving the limitations on liability.¹⁸

School Districts

As authorized by law and the rules of the district school board, each teacher or other member of the staff of any school has the authority to control and discipline students as assigned to him or her by the principal or the principal's designated representative. Teachers are also required to keep order in the classroom and in other places in which he or she is assigned to be in charge of students.¹⁹

In accordance with the law and within the framework of the district school board's code of student conduct, teachers and other instructional personnel are authorized to undertake certain actions in order to manage student behavior and to ensure the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom.²⁰

¹⁸ s. 1006.11(1), F.S. and s. 1012.75, F.S.

¹⁹ s. 1003.32, F.S.

²⁰ *Id.*

Teachers and other instructional personnel are required to:

- Remove students from class if their behavior interferes with the teacher's ability to communicate or if they are disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.²¹
- Use reasonable force, according to standards adopted by the SBE, to protect the teacher or others from injury.²²
- Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.²³
- Recommend an appropriate consequence consistent with the code of student conduct when sending a student to the principal's office.²⁴
- Use corporal punishment according to school district and statutory procedures. Such procedures include requirements for teachers to receive approval from the school principal before administering corporal punishment and for another adult to be present during the administration of such punishment.²⁵
- Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.²⁶

Further, teachers and other instructional personnel are authorized to:

- Set and enforce reasonable classroom rules that treat all students equitably.²⁷
- Maintain an orderly and disciplined classroom with a positive learning environment that maximizes learning and minimizes disruption.²⁸
- Seek professional development to improve classroom management skills if data shows they are ineffective in handling minor classroom disruptions.²⁹
- Work with parents and other school personnel to solve discipline problems in their classrooms.³⁰

If a teacher determines that a student's behavior is interfering with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, then the teacher may remove the student from class. Each district school board, superintendent and principal must support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.³¹ If a teacher removes a student from the class for one of these reasons, the principal may not return the student to that teacher's classroom without the teacher's consent unless the placement review committee³² determines that such placement is the best or only available alternative.³³

The principal must submit quarterly reports to the district school superintendent and district school board describing each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must submit an annual report to DOE.³⁴

²¹ s. 1003.32(1)(c) and (3), F.S.

²² s. 1003.32(1)(j), F.S.

²³ s. 1003.32(1)(g), F.S.

²⁴ s. 1003.32(3), F.S.

²⁵ s. 1003.32(1)(k), F.S.

²⁶ s. 1003.32(1)(h), F.S.

²⁷ s. 1003.32(2)(a), F.S.

²⁸ s. 1003.32(2)(c), F.S.

²⁹ s. 1003.32(2)(b), F.S.

³⁰ s. 1003.32(2)(d), F.S.

³¹ s. 1003.32(4), F.S.

³² Each school is required to establish a placement review committee to determine the placement of a student when a teacher withholds consent to the return of a student to the teacher's class. s. 1003.32(6)(a), F.S.

³³ s. 1003.32(5), F.S.

³⁴ s. 1003.32(6)(b), F.S.

In 2008, DOE conducted six rule development workshops on standards for the use of reasonable force throughout the state.³⁵ This effort did not, however, result in the adoption of a rule (6A-6.05271 Standards for Use of Reasonable Force). The last public hearing was held on July 20, 2009. As a result of that hearing, the public comment period was extended to September 15, 2009. However, on August 21, 2009, the proposed rule was withdrawn.³⁶

In June 2007, DOE's Bureau of Exceptional Education and Student Services (BEESS) convened a workgroup composed of school officials, agency representatives, parents, advocates, and other interested parties to provide information and make recommendations to the BEESS to address the use of physical restraint with students in special education programs. The discussion included the definition of manual physical restraint, procedures for documentation, and communication, training, and local and state monitoring protocols. The information gathered during the meeting and from other related resources was used to develop a technical assistance paper issued on June 3, 2008.

Technical Assistance Paper K12: 2008-67, June 2008, Guidelines for the Use of Manual Physical Restraint in Special Education Programs, addresses:

- When manual physical restraint is used.
- Who should use physical restraint.
- The type of training needed for the correct usage of physical restraint.
- Considerations when selecting a training program.
- What should be documented.
- Parent notification and reporting.
- Monitoring its use.³⁷

Federal Legislation

In December 2009, U.S. Reps. George Miller and Cathy McMorris Rodgers filed H.R. 4247 addressing restraint and seclusion. On February 4, 2010, an amendment in the Nature of a Substitute to H.R. 4247 (Preventing Harmful Restraint and Seclusion in School Act) was passed in the House Committee on Education and Labor.³⁸ The amendment:

- Contains definitions, establishes findings and lists the purposes for the legislation.
- Creates a State-Approved Intervention Training Program that must be approved by the U.S. Department of Education (USDOE) Secretary.
- Requires the USDOE Secretary to promulgate regulations establishing minimum standards no later than 180 days after enactment.
- Requires states to submit a plan to the USDOE no later than two years after enactment that includes assurances that the state has:
 - Policies and procedures that meet the minimum standards, including the standards with respect to the state-approved crisis intervention training program.
 - A mechanism to effectively monitor and enforce minimum standards.
 - A description of the state plan to ensure school personnel and parents, including private school personnel and parents, are aware of the state policies and procedures.

³⁵ Florida Administrative Weekly, Notice 6749859, Volume 35/05, February 6, 2009 available at <https://www.flrules.org/gateway/ruleno.asp?id=6A-6.05271&PDate=2/6/2009&Section=2>.

³⁶ Florida Administrative Weekly, 6A-6.05271, Standards for the Use of Reasonable Force, Volume 35/33, August 21, 2009 available at <https://www.flrules.org/gateway/ruleNo.asp?ID=6A-6.05271>.

³⁷ Florida Department of Education, Technical Assistance Paper K12: 2008-67, Guidelines for the Use of Manual Physical Restraint in Special Education Programs, available at <http://www.fldoe.org/ese/tap-home.asp>.

³⁸ <http://edlabor.house.gov/markups/2010/02/preventing-harmful-restraint-a.shtml>.

- Requires states to report the total number of incidents in which physical restraint was imposed upon a student; the total number of incidents in which seclusion was imposed upon a student; the total number of incidents in which physical restraint resulted in injury or resulted in death and in which the school personnel imposing physical restraint or seclusion were not trained and certified; and demographics and disability status.
- Authorizes the USDOE to award grants to states to establish, implement, and enforce the policies and procedures to meet the minimum standards. The grant will be awarded to the state for a 3-year period. The state may use the funds to award subgrants. Grants may be used to provide professional development, training, and certification; and researching, developing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion.
- Requires the USDOE Secretary to carry out a national assessment to determine the effectiveness of the Preventing Harmful Restraint and Seclusion in School Act.³⁹

H.R. 4247, as amended, passed the full U.S. House of Representatives on March 3, 2010.⁴⁰

Effect of Proposed Changes

The bill establishes procedures regarding the use, monitoring, and reduction of unnecessary seclusion and restraint on students with disabilities. The bill defines the following terms:

- “Imminent risk of injury to the student or others” means a high probability of injury, such as a laceration, bone fracture, hematoma, bruise, or injury to internal organs.
- “Imminent risk of disruption or damage to the environment” means a high probability of disruption or damage to property which is likely to endanger the safety of others.
- “Manual physical restraint” means use of a physical restraint technique that involves physical force applied to restrict the movement of all or part of a student’s body for purposes of protecting the student.
- “Mechanical restraint” means a physical device used to restrict a student’s movement or restrict the normal function of a student’s body for purposes of protecting the student. This term includes, but is not limited to, belts, vests, helmets, padded mittens, tie-downs, chairs with straps, and seatbelts. This term does not include:
 - Medical protective equipment prescribed by a physician or dentist;
 - Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment that is ongoing in the educational setting;
 - Devices used only for supporting functional body position or proper balance, or preventing a person from falling out of a bed or a wheelchair; or
 - Equipment used for safety during transportation, such as seatbelts or wheelchair tie-downs.
- “Seclusion” means removing a student from an educational environment, confining the student in a room, and preventing the student from leaving the room by locking or otherwise physically blocking the student’s exit from the room. This term does not include the use of a time-out. The term “time-out” means a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period, contingent on a response from the student.
- “Student” means a student with a disability.

³⁹ Amendment #1 to H.R. 4247 by Mr. Miller (CA). <http://edlabor.house.gov/markups/2010/02/preventing-harmful-restraint-a.shtml>.

⁴⁰ http://edlabor.house.gov/legislation_chart/.

Use of Manual Physical Restraint

The bill authorizes school personnel to use manual physical restraint on a student under the following circumstances:

- When there is an imminent risk of bodily injury to the student or others.
- When there is an imminent risk of disruption or damage to the environment.
- When authorized by a comprehensive behavior intervention plan⁴¹ developed by a certified behavior analyst and approved by an Individual Education Plan (IEP)⁴² team.

The use of manual physical restraint by school personnel is limited to the amount of time required to eliminate the need for the use of the restraint. The school is required to have a student evaluated by staff trained to monitor the physical condition of a student as soon as possible after the student has been manually physically restrained by school personnel. Before the end of the school day on which the restraint occurs, the school must attempt to notify the student's parent each time a manual physical restraint is used.

Prohibited Restraint

School personnel, are prohibited from using a mechanical physical restraint on a student or manual physical restraint that restricts a student's breathing.

Seclusion

Seclusion may only be used when a manual physical restraint is highly likely to injure a student and:

- There is an imminent risk of injury to the student or others, imminent risk of disruption or damage to the environment, or the seclusion is authorized by a comprehensive behavior intervention plan developed by a certified behavior analyst and approved by an IEP team.
- School personnel have unsuccessfully tried other interventions.
- School personnel constantly observe the student during the time of the seclusion.

The seclusion must end immediately when the student is sufficiently calm to return to his or her educational environment. Seclusion may not be used as a punishment for a student's behavior.

Reporting an Incident

A school must prepare an incident report by the close of the second business day after a student is released from a manual physical restraint, which must include:

- The name of the student restrained.
- The date, time, and location of the incident and the duration and type of the restraint.
- The names of the persons restraining or assisting in the restraint of the student.
- The specific positive behavioral strategies used to prevent and deescalate the behavior.
- Steps taken to notify the parent.

Incident reports must be provided to the DOE each month that the school is in session.

⁴¹ A "behavioral intervention program" is a type of accommodation in the learning environment that involves positive behavioral supports or a specialized behavior management system. The intervention may include predictable routines for daily activities, clear rules, consistent enforcement, and regular consultation. A plan developed for an individual student or a group of students in which rules and expectations are clearly identified. Procedures are described that will help the student(s) learn to manage their own behavior. This may include a level system and clearly defined reinforcements and consequences. <http://www.cpt.fsu.edu/ese/glossary.html>.

⁴² An "individual educational plan" (IEP) describes the current performance of the student, a statement of goals and objectives or benchmarks for the student, and a statement of the specially designed instruction and related services, including supplemental aides and services, to be provided. The plans are designed to meet the individual needs of the student. Rules 6A-6.03028(7), 6A-6.03029(3), and 6A-6.030191(4), F.A.C.

School districts must develop policies and procedures regarding:

- The prohibition of the use of mechanical restraints on students.
- The use of manual physical restraints and seclusion on students.
- The identification of personnel authorized to use manual physical restraints.
- Incident-reporting procedures.

Each school district is required to:

- Provide the required policies and procedures to DOE no later than January 31, 2011.
- Publish the required policies and procedures in the district's special policies and procedures manual.
- Make available to the parents of its students, at the beginning of each school year, school district policies regarding the use of manual physical restraint and seclusion. Such policies may be provided by mail or electronic mail or published on the school district's website.

B. SECTION DIRECTORY:

Section 1: Amends s. 402.305, F.S., Licensing standards; child care facilities.

Section 2: Creates s. 1003.573, F.S., Use, monitoring, and reduction of unnecessary seclusion and restraint on students with disabilities in public schools.

Section 3: Amends s. 1004.55, Regional autism centers.

Section 4: Creates s. 1012.582, Continuing education and inservice training for teaching students with developmental disabilities.

Section 5: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants rule-making authority to the SBE to implement the provisions relating to the continuing education and inservice training for teaching students with developmental disabilities.

The State Board of Education may need to amend Rule 6A-7.0335, Florida Administrative Code (F.A.C.), *Regional Centers for Implementing Services to Individual with Autism, Pervasive Developmental Disorders, Autistic-like Disabilities Dual Sensory Impairments or Sensory Impairment with Other Disabling Conditions*.⁴³

C. DRAFTING ISSUES OR OTHER COMMENTS:

DOE COMMENTS:

Training Requirements for Child Care Personnel

While the bill expands the required content of the child care introductory training course, it does not add additional hours to the 40-clock-hour training. This will likely mean that the existing course regarding special needs developmentally appropriate practice, which is currently optional, will become required.

Regional Autism Centers

Through the requirements of Rule 6A-7.0335, F.A.C., CARD centers are already charged with the responsibility of coordinating services with other regional centers, state agencies, and school districts. Additionally, the centers are required by rule to disseminate referral and resource information.

Continuing Education and Inservice Training for Teaching Students with Developmental Disabilities

There are existing professional development resources that have been developed and are available that could be used in the design of inservice/continuing education course materials.⁴⁴

Use of Seclusion and Restraint on Students with Disabilities

As an outcome of passage of this bill, the Department of Education would need to review and revise existing policies and technical assistance documents and create procedures to receive and analyze data to align with new legislation.

The bill would require school districts to develop policies regarding the use of physical restraint and seclusion. Districts with such policies would have to

⁴³ Department of Education Analysis of HB 1073, February 28, 2010.

⁴⁴ *Id.*

conduct reviews of policies and practices to ensure alignment with bill requirements.

Training on and implementation of school-wide general behavioral interventions and techniques is in place in many school districts. The Bureau funds the Positive Behavior Support (PBS) project at the University of South Florida. The PBS project provides training and support to many districts.

Many districts train staff on behavioral crisis intervention techniques. Two commonly used training programs include Professional Crisis Management (PCM), and Crisis Prevention Intervention (CPI). Districts that use PCM and CPI have certification training and annual recertification in program specific procedures for the use of safe techniques for physical restraint. For some small and rural districts, training on such procedures is provided through the Florida Diagnostic and Learning Resources System.

Department of Children and Family Services COMMENTS:

Training Requirements for Child Care Personnel

The *Child Growth and Development* and *Special Needs Appropriate Practices* components of the Department's required 40 hour Introductory to Child Care Training currently addresses autism spectrum disorders.

The six (6) clock-hour *Child Growth and Development* course is currently mandatory for all child care facility and home staff pursuant to Section 402.305(2)(d)1.d, F.S., which includes in the minimum training requirements for child care personnel, "Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development."

The Department's 10 clock-hour training course entitled *Special Needs Appropriate Practices* is currently mandatory for child care directors, and available for all child care personnel to complete for in-service training. Section 402.305(2)(d)1.f., F.S, provides direction to the Department in the development of "Specialized areas..." within 40 hours of minimum training requirements for child care personnel. 65C-22.003(2)(a), F.A.C., is pursuant to this section of Statute and includes in its listing of specialized training areas training specific to children with special needs, which includes awareness instruction and methods for teaching students with developmental disabilities.

In addition, special needs issues, including autism, are also addressed in both the *Health, Safety, and Nutrition* and *Behavioral Observation and Screening* components of the 40 hour Introductory to Child Care Training, as cited in ss. 402.305(2)(d)1.b. and e., F.S., respectively, although to a lesser extent. Both of these components are required for all child care facility and home staff.⁴⁵

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.

⁴⁵ Department of Children and Family Services Analysis of HB 1073, February 17, 2010.

1 A bill to be entitled
 2 An act relating to the education of children with
 3 disabilities; amending s. 402.305, F.S.; requiring minimum
 4 training for child care personnel to include the
 5 identification and care of children with developmental
 6 disabilities; creating s. 1003.573, F.S.; providing
 7 definitions; specifying that manual physical restraint may
 8 be used by school personnel only in certain emergencies or
 9 when authorized by a comprehensive behavior intervention
 10 plan; requiring trained staff to evaluate the student
 11 after use of a manual physical restraint; requiring that
 12 the school attempt to notify the student's parent after
 13 use of a manual physical restraint; prohibiting the use of
 14 mechanical restraints and certain manual physical
 15 restraints; providing that seclusion may be used only in
 16 specified circumstances; providing for the termination of
 17 seclusion; prohibiting the use of seclusion as punishment;
 18 requiring that a school prepare an incident report after
 19 the use of manual physical restraint; specifying the
 20 contents of such report and providing for its submission
 21 to the Department of Education; requiring the development
 22 of school district policies and procedures; requiring the
 23 policies and procedures to be submitted to the department,
 24 published, and made available to parents; amending s.
 25 1004.55, F.S.; requiring regional autism centers to
 26 provide certain support for serving children with
 27 developmental disabilities; creating s. 1012.582, F.S.;
 28 requiring the Commissioner of Education to develop

29 recommendations to incorporate instruction relating to
 30 developmental disabilities into continuing education or
 31 inservice training requirements for instructional
 32 personnel; requiring the department to incorporate the
 33 course curricula into existing requirements for such
 34 education or training; authorizing the State Board of
 35 Education to adopt rules; providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Paragraph (d) of subsection (2) of section
 40 402.305, Florida Statutes, is amended to read:

41 402.305 Licensing standards; child care facilities.—

42 (2) PERSONNEL.—Minimum standards for child care personnel
 43 shall include minimum requirements as to:

44 (d) Minimum training requirements for child care
 45 personnel.

46 1. Such minimum standards for training shall ensure that
 47 all child care personnel take an approved 40-clock-hour
 48 introductory course in child care, which course covers at least
 49 the following topic areas:

50 a. State and local rules and regulations which govern
 51 child care.

52 b. Health, safety, and nutrition.

53 c. Identifying and reporting child abuse and neglect.

54 d. Child development, including typical and atypical
 55 language, cognitive, motor, social, and self-help skills
 56 development.

57 e. Observation of developmental behaviors, including using
 58 a checklist or other similar observation tools and techniques to
 59 determine the child's developmental age level.

60 f. Specialized areas, including computer technology for
 61 professional and classroom use and early literacy and language
 62 development of children from birth to 5 years of age, as
 63 determined by the department, for owner-operators and child care
 64 personnel of a child care facility.

65 g. Developmental disabilities, including autism spectrum
 66 disorder, and early identification, use of available state and
 67 local resources, classroom integration, and positive behavioral
 68 supports for children with developmental disabilities.

69
 70 Within 90 days after employment, child care personnel shall
 71 begin training to meet the training requirements. Child care
 72 personnel shall successfully complete such training within 1
 73 year after the date on which the training began, as evidenced by
 74 passage of a competency examination. Successful completion of
 75 the 40-clock-hour introductory course shall articulate into
 76 community college credit in early childhood education, pursuant
 77 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
 78 the required training shall be granted to child care personnel
 79 based upon educational credentials or passage of competency
 80 examinations. Child care personnel possessing a 2-year degree or
 81 higher that includes 6 college credit hours in early childhood
 82 development or child growth and development, or a child
 83 development associate credential or an equivalent state-approved
 84 child development associate credential, or a child development

85 associate waiver certificate shall be automatically exempted
 86 from the training requirements in sub-subparagraphs b., d., and
 87 e.

88 2. The introductory course in child care shall stress, to
 89 the extent possible, an interdisciplinary approach to the study
 90 of children.

91 3. The introductory course shall cover recognition and
 92 prevention of shaken baby syndrome, prevention of sudden infant
 93 death syndrome, recognition and care of infants and toddlers
 94 with developmental disabilities, including autism spectrum
 95 disorder, and early childhood brain development within the topic
 96 areas identified in this paragraph.

97 4. On an annual basis in order to further their child care
 98 skills and, if appropriate, administrative skills, child care
 99 personnel who have fulfilled the requirements for the child care
 100 training shall be required to take an additional 1 continuing
 101 education unit of approved inservice training, or 10 clock hours
 102 of equivalent training, as determined by the department.

103 5. Child care personnel shall be required to complete 0.5
 104 continuing education unit of approved training or 5 clock hours
 105 of equivalent training, as determined by the department, in
 106 early literacy and language development of children from birth
 107 to 5 years of age one time. The year that this training is
 108 completed, it shall fulfill the 0.5 continuing education unit or
 109 5 clock hours of the annual training required in subparagraph 4.

110 6. Procedures for ensuring the training of qualified child
 111 care professionals to provide training of child care personnel,
 112 including onsite training, shall be included in the minimum

113 standards. It is recommended that the state community child care
 114 coordination agencies (central agencies) be contracted by the
 115 department to coordinate such training when possible. Other
 116 district educational resources, such as community colleges and
 117 career programs, can be designated in such areas where central
 118 agencies may not exist or are determined not to have the
 119 capability to meet the coordination requirements set forth by
 120 the department.

121 7. Training requirements shall not apply to certain
 122 occasional or part-time support staff, including, but not
 123 limited to, swimming instructors, piano teachers, dance
 124 instructors, and gymnastics instructors.

125 8. The department shall evaluate or contract for an
 126 evaluation for the general purpose of determining the status of
 127 and means to improve staff training requirements and testing
 128 procedures. The evaluation shall be conducted every 2 years. The
 129 evaluation shall include, but not be limited to, determining the
 130 availability, quality, scope, and sources of current staff
 131 training; determining the need for specialty training; and
 132 determining ways to increase inservice training and ways to
 133 increase the accessibility, quality, and cost-effectiveness of
 134 current and proposed staff training. The evaluation methodology
 135 shall include a reliable and valid survey of child care
 136 personnel.

137 9. The child care operator shall be required to take basic
 138 training in serving children with disabilities within 5 years
 139 after employment, either as a part of the introductory training
 140 or the annual 8 hours of inservice training.

141 Section 2. Section 1003.573, Florida Statutes, is created
 142 to read:

143 1003.573 Use, monitoring, and reduction of unnecessary
 144 seclusion and restraint on students with disabilities in public
 145 schools.-

146 (1) DEFINITIONS.-As used in this section, the term:

147 (a) "Imminent risk of disruption or damage to the
 148 environment" means a high probability of disruption or damage to
 149 property which is likely to endanger the safety of others.

150 (b) "Imminent risk of injury to the student or others"
 151 means a high probability of injury, such as a laceration, bone
 152 fracture, hematoma, bruise, or injury to internal organs.

153 (c) "Manual physical restraint" means the use of a
 154 physical restraint technique that involves physical force
 155 applied to restrict the movement of all or part of a student's
 156 body for purposes of protecting the student.

157 (d) "Mechanical restraint" means a physical device used to
 158 restrict a student's movement or restrict the normal function of
 159 a student's body for purposes of protecting the student. This
 160 term includes, but is not limited to, belts, vests, helmets,
 161 padded mittens, tie-downs, chairs with straps, and seatbelts.
 162 This term does not include:

163 1. Medical protective equipment prescribed by a physician
 164 or dentist;

165 2. Physical equipment or orthopedic appliances, surgical
 166 dressings or bandages, or supportive body bands or other
 167 restraints necessary for medical treatment that is ongoing in
 168 the educational setting;

169 3. Devices used only for the purpose of supporting
 170 functional body position or proper balance or preventing a
 171 person from falling out of a bed or a wheelchair; or
 172 4. Equipment used for safety during transportation, such
 173 as seatbelts or wheelchair tie-downs.
 174 (e) "Seclusion" means removing a student from an
 175 educational environment, confining the student in a room, and
 176 preventing the student from leaving the room by locking or
 177 otherwise physically blocking the student's exit from the room.
 178 This term does not include the use of a time-out. As used in
 179 this paragraph, the term "time-out" means a procedure in which
 180 access to varied sources of reinforcement is removed or reduced
 181 for a particular time period.
 182 (f) "Student" means a student with a disability.
 183 (2) USE OF MANUAL PHYSICAL RESTRAINT.-
 184 (a) School personnel may use a manual physical restraint
 185 on a student only:
 186 1. When there is an imminent risk of injury to the student
 187 or others;
 188 2. When there is an imminent risk of disruption or damage
 189 to the environment; or
 190 3. When authorized by a comprehensive behavior
 191 intervention plan developed by a certified behavior analyst and
 192 approved by an individual educational plan team.
 193 (b) School personnel shall limit the use of a manual
 194 physical restraint to the duration necessary to eliminate the
 195 circumstances necessitating the use of the restraint under
 196 paragraph (a).

197 (c) The school shall have a student evaluated by staff
 198 trained to monitor the physical condition of a student as soon
 199 as possible after the student has been manually physically
 200 restrained by school personnel.

201 (d) Each time a manual physical restraint is used, the
 202 school shall attempt to notify the student's parent before the
 203 end of the school day on which the restraint occurs.

204 (3) PROHIBITED RESTRAINT.—School personnel shall not use a
 205 mechanical restraint on a student or a manual physical restraint
 206 that restricts a student's breathing.

207 (4) SECLUSION.—

208 (a) Seclusion may be used only when a manual physical
 209 restraint is highly likely to lead to injury to the student and:

210 1.a. There is an imminent risk of injury to the student or
 211 others;

212 b. There is an imminent risk of disruption or damage to
 213 the environment; or

214 c. The seclusion is authorized by a comprehensive behavior
 215 intervention plan developed by a certified behavior analyst and
 216 approved by an individual educational plan team.

217 2. School personnel have unsuccessfully tried other
 218 interventions.

219 3. School personnel constantly observe the student for the
 220 duration of the seclusion.

221 (b) The seclusion must end immediately when the student is
 222 sufficiently calm to return to his or her educational
 223 environment.

224 (c) Seclusion may not be used as a punishment for a

225 student's behavior.

226 (5) INCIDENT REPORTING.—

227 (a) A school shall prepare an incident report by the close
 228 of the second business day after a student is released from a
 229 manual physical restraint, which shall include:

230 1. The name of the student restrained.

231 2. The date, time, and location of the incident and the
 232 duration and type of the restraint.

233 3. The names of the persons restraining or assisting in
 234 the restraint of the student.

235 4. The specific positive behavioral strategies used to
 236 prevent and deescalate the behavior.

237 5. Steps taken to notify the parent.

238 (b) Incident reports prepared pursuant to this subsection
 239 shall be provided to the Department of Education each month that
 240 the school is in session.

241 (6) DISTRICT POLICIES AND PROCEDURES.—

242 (a) School districts shall develop policies and procedures
 243 consistent with this section regarding:

244 1. The prohibition of the use of mechanical restraints on
 245 students.

246 2. The appropriate use of manual physical restraints and
 247 seclusion on students.

248 3. Personnel authorized to use manual physical restraints.

249 4. Incident-reporting procedures.

250 (b) Each school district shall:

251 1. Provide the policies and procedures required under this
 252 subsection to the department no later than January 31, 2011.

253 2. Publish the policies and procedures required under this
254 subsection in the district's special policies and procedures
255 manual.

256 3. Make available to the parents of its students, at the
257 beginning of each school year, its policies regarding the use of
258 manual physical restraint and seclusion. Such policies may be
259 provided by mail or electronic mail or published on the school
260 district's website.

261 Section 3. Paragraphs (f) and (g) are added to subsection
262 (4) of section 1004.55, Florida Statutes, to read:

263 1004.55 Regional autism centers.-

264 (4) Each center shall provide:

265 (f) Coordination and dissemination of local and regional
266 information regarding available resources for services for
267 children with the developmental disabilities described in
268 subsection (1).

269 (g) Support to state agencies in the development of
270 training for early child care providers and educators with
271 respect to the developmental disabilities described in
272 subsection (1).

273 Section 4. Section 1012.582, Florida Statutes, is created
274 to read:

275 1012.582 Continuing education and inservice training for
276 teaching students with developmental disabilities.-

277 (1) The Commissioner of Education shall develop
278 recommendations to incorporate instruction regarding autism
279 spectrum disorder and other developmental disabilities into

280 continuing education or inservice training requirements for
 281 instructional personnel. These recommendations shall address:

282 (a) Early identification of, and intervention for,
 283 students who have autism spectrum disorder or other
 284 developmental disabilities.

285 (b) Curriculum planning and curricular and instructional
 286 modifications, adaptations, and specialized strategies and
 287 techniques.

288 (c) The use of available state and local resources.

289 (d) The use of positive behavioral supports to deescalate
 290 problem behaviors.

291 (e) Appropriate use of manual physical restraint and
 292 seclusion techniques.

293 (2) In developing the recommendations, the commissioner
 294 shall consult with the State Surgeon General, the Director of
 295 the Agency for Persons with Disabilities, representatives from
 296 the education community in the state, and representatives from
 297 entities that promote awareness about autism spectrum disorder
 298 and other developmental disabilities and provide programs and
 299 services to persons with developmental disabilities, including,
 300 but not limited to, regional autism centers pursuant to s.
 301 1004.55.

302 (3) Beginning with the 2010-2011 school year, the
 303 Department of Education shall incorporate the course curricula
 304 recommended by the Commissioner of Education, pursuant to
 305 subsection (1), into existing requirements for the continuing
 306 education or inservice training of instructional personnel. The
 307 requirements of this section may not add to the total hours

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308 required for continuing education or inservice training as
309 currently established by the department.

310 (4) The State Board of Education may adopt rules pursuant
311 to ss. 120.536(1) and 120.54 to implement this section.

312 Section 5. This act shall take effect July 1, 2010.