



PreK-12 Policy Committee

Wednesday, March 18, 2009

1:30 p.m.

404 HOB

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
Wednesday, March 18, 2009
1:30 p.m.
404 House Office Building

I. Call to Order

II. Roll Call

III. Consideration of the following bills:

- **HB 197 Use of Pancreatic Enzyme Supplements by Renuart**
- **HB 643 District and School Advisory Councils by Jones**
- **PCS for HB 1293 High School Graduation Requirements by Fresen**
- **HB 1377 Supplemental Educational Services by Dorworth**
- **HB 1411 Educational Personnel by Stargel**

IV. Closing Comments/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 197

Use of Pancreatic Enzyme Prescription Supplements

SPONSOR(S): Renuart

TIED BILLS:

IDEN./SIM. BILLS: CS/SB 552

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Policy Committee		Duncan <i>add</i>	Ahearn <i>MA</i>
2) Health Care Regulation Policy Committee			
3) Education Policy Council			
4) Policy Council			
5)			

SUMMARY ANALYSIS

HB 197 authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities. Parents of students authorized to use a pancreatic enzyme prescription supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the pancreatic enzyme prescription supplements. The State Board of Education, in cooperation with the Department of Health, is granted rule-making authority.

This bill does not appear to have a fiscal impact on state or 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 Schools

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

Any prescribed medication that is to be administered by school personnel must be received, counted, and stored in its original container. When the medication is not in use, it must be stored in a secured 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 the medication when the designated person acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.⁴

Asthmatic and Severely Allergic Students

Under current law, asthmatic students are permitted to carry a metered dose inhaler while in school. The parent and physician must provide their approval and a copy of the approval must be provided to the 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.

A severely allergic student is authorized to carry and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been authorized by the student's parent and physician. The parent must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of an epinephrine auto-injector.⁶

Cystic Fibrosis

Cystic Fibrosis (CF) is a chronic, inherited disease that affects the lungs and digestive system. To treat CF, oral pancreatic enzyme medication is taken with all meals and snacks that contain fat, protein, and/or complex carbohydrates. Children with CF need a high-calorie, high-protein diet and enzymes in order to gain weight and grow. Most children with CF have been taking pancreatic enzymes since infancy and can take them on their own.⁷

Effect of Proposed Changes:

The bill authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician approval.

The State Board of Education (SBE), in cooperation with the Department of Health (DOH), is granted rule-making authority. The rules adopted must include provisions to protect the safety of all students from the misuse or abuse of the supplements.

The parents of students authorized to use a prescribed pancreatic enzyme supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the pancreatic enzyme prescription supplements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20(3), F.S., adding new language authorizing certain students to use pancreatic enzyme prescription supplements under certain circumstances; requiring the SBE, in cooperation with the DOH, to adopt rules for such use; and providing for indemnification from any and all liability of school districts, county health departments, and others by the parents of students.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

⁶ s.1002.20(3)(i), F.S.

⁷ <http://www.cff.org/LivingWithCF/AtSchool/SchoolEnzymes/> Cystic Fibrosis Foundation, Nutrition: Schools, Enzymes, and Sports For the Child with Cystic Fibrosis, Education Committee, 2002.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This 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:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill 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 granted rule-making authority to adopt rules for the use of prescribed pancreatic enzyme supplements.

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 or volunteers may recover from the parent of the student authorized to carry the pancreatic enzyme supplements.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
 2 An act relating to the use of pancreatic enzyme
 3 prescription supplements; amending s. 1002.20, F.S.;
 4 authorizing certain K-12 students to use pancreatic enzyme
 5 prescription supplements under certain circumstances;
 6 requiring the State Board of Education to adopt rules;
 7 providing for indemnification; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (j) is added to subsection (3) of
 13 section 1002.20, Florida Statutes, to read:

14 1002.20 K-12 student and parent rights.--Parents of public
 15 school students must receive accurate and timely information
 16 regarding their child's academic progress and must be informed
 17 of ways they can help their child to succeed in school. K-12
 18 students and their parents are afforded numerous statutory
 19 rights including, but not limited to, the following:

20 (3) HEALTH ISSUES.--

21 (j) Use of pancreatic enzyme prescription supplements.--A
 22 student who has experienced or is at risk for pancreatic
 23 insufficiency or who has been diagnosed as having cystic
 24 fibrosis may use a pancreatic enzyme supplement as prescribed
 25 while in school, participating in school-sponsored activities,
 26 or in transit to or from school or school-sponsored activities
 27 if the school has been provided with parental and physician
 28 authorization. The State Board of Education, in cooperation with

29 the Department of Health, shall adopt rules for the use of
 30 pancreatic enzyme prescription supplements which shall include
 31 provisions to protect the safety of all students from the misuse
 32 or abuse of the supplements. A school district, county health
 33 department, public-private partner, and their employees and
 34 volunteers shall be indemnified by the parent of a student
 35 authorized to use pancreatic enzyme prescription supplements for
 36 any and all liability with respect to the student's use of the
 37 supplements under this paragraph.

38 Section 2. This act shall take effect July 1, 2009.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

Bill No. 197

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 Renuart offered the following:

Amendment (with title amendment)

Remove line(s) 21-35 and insert:

6 (j) Use of prescribed pancreatic enzyme supplements.--A
7 student who has experienced or is at risk for pancreatic
8 insufficiency or who has been diagnosed as having cystic
9 fibrosis may carry and self-administer a prescribed pancreatic
10 enzyme supplement while in school, participating in school-
11 sponsored activities, or in transit to or from school or school-
12 sponsored activities if the school has been provided with
13 authorization from the student's parent and prescribing
14 practitioner. The State Board of Education, in cooperation with
15 the Department of Health, shall adopt rules for the use of
16 prescribed pancreatic enzyme supplements which shall include
17 provisions to protect the safety of all students from the misuse
18 or abuse of the supplements. A school district, county health
19 department, public-private partner, and their employees and
20 volunteers shall be indemnified by the parent of a student
21 authorized to use prescribed pancreatic enzyme supplements for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

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

Remove line(s) 2-5 and insert:

An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 643

District and School Advisory Councils

SPONSOR(S): Jones

TIED BILLS:

IDEN./SIM. BILLS: SB 398

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Policy Committee		Paulson <i>JP</i>	Ahearn <i>JA</i>
2) Economic Development Policy Committee			
3) Education Policy Council			
4) Full Appropriations Council on Education & Economic Development			
5) Policy Council			

SUMMARY ANALYSIS

A district school board must establish an advisory council for each school in the district and must develop procedures for the election and appointment of advisory council members.

Each school advisory council must include the school principal and a balanced number of teachers, education support employees, students, parents, and other business and community citizens. The council must reflect the ethnic, racial, and economic community which the school serves. Teachers, education support employees, students, and parents are elected by their peer groups at the school, and the district school board sets procedures for selecting business and community members.

A school advisory council is responsible for the final decision-making regarding implementation of the school's improvement and accountability plan. Each advisory council assists in the preparation and evaluation of the school improvement plan, assists in the preparation of the school's budget, and performs functions prescribed by the district school board (not to encompass any powers or duties reserved by law to the district school board).

The bill changes the law to require that a majority of the members of a school advisory council not be employed by the school, as opposed to the current law which requires that a majority of the school advisory council members not be employed by the school district. The bill provides greater flexibility in selecting the members of the school advisory council.

The bill does not appear to have any fiscal impact on state or local governments.

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:

Present Situation

A district school board must establish an advisory council for each school in the district and must develop procedures for the election and appointment of advisory council members.¹

Each school advisory council must include the school principal and a balanced number of teachers, education support employees, students, parents, and other business and community citizens. The council must reflect the ethnic, racial, and economic community which the school serves. Teachers, education support employees, students, and parents are elected by their peer groups at the school, and the district school board sets procedures for selecting business and community members.²

A school advisory council is responsible for the final decision-making regarding implementation of the school's improvement and accountability plan.³ Each advisory council assists in the preparation and evaluation of the school improvement plan, assists in the preparation of the school's budget, and performs functions prescribed by the district school board (not to encompass any powers or duties reserved by law to the district school board).⁴

In 2008, the Legislature passed a law which required a majority of the members of a school advisory council not be employed by the school district.⁵ The law previously required that a majority of the members not be employed by the individual school.⁶

Effect of Proposed Changes

The bill changes the law to require that a majority of the members of a school advisory council not be employed by the school, as opposed to the current law which requires that a majority of the school

¹ Section 1001.452(1)(a), F.S.

² *Id.*

³ *Id.*; see also ss. 1001.42(18) (Implementation of school improvement and accountability) and 1008.345 (Implementation of state system of school improvement and education accountability), F.S.

⁴ Section 1001.452(2), F.S.

⁵ Section 5, Chapter 08-235, L.O.F.

⁶ Section 1001.452(1), F.S. (2007)

advisory council members not be employed by the school district. The bill provides greater flexibility in selecting the members of the school advisory council.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.452; provides that a majority of the members of a school advisory council not be employed by the school.

Section 2: Provides an effective date of July 1, 2009.

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:

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

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Department of Education comments:⁷

For the 2008-2009 school year, a bill (SB 1908) that passed in the 2008 Legislative Session which amended s. 1001.452(1)(a), F.S., and went into effect on July 1, 2008, requires each School Advisory Council to have the majority of its members be persons who are not employed by the school district. Schools are implementing the new requirement this year. Some schools are having a difficult time filling the required seats for parent representatives. The greatest impact of this section of SB 1908 has been the turning away of parents who are willing to serve on their child's SAC but are not considered eligible because they are employed in some capacity by the local school board and thus would be "counted" as a "district employee." Schools have worked hard to have a majority of non-school district employees serving on their School Advisory Councils in order to meet state compliance. In some communities, the school board is the largest employer.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.

⁷ Analysis of HB 643, Florida Department of Education, February 18, 2009.

1 A bill to be entitled
 2 An act relating to district and school advisory councils;
 3 amending s. 1001.452, F.S.; providing that a majority of
 4 the members of a school advisory council not be employed
 5 by the school; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (a) of subsection (1) of section
 10 1001.452, Florida Statutes, is amended to read:

11 1001.452 District and school advisory councils.--

12 (1) ESTABLISHMENT.--

13 (a) The district school board shall establish an advisory
 14 council for each school in the district and shall develop
 15 procedures for the election and appointment of advisory council
 16 members. Each school advisory council shall include in its name
 17 the words "school advisory council." The school advisory council
 18 shall be the sole body responsible for the final decisionmaking
 19 at the school relating to the implementation of ss. 1001.42(18)
 20 and 1008.345. A majority of the members of each school advisory
 21 council must be persons who are not employed by the school
 22 district. Each advisory council shall be composed of the
 23 principal and an appropriately balanced number of teachers,
 24 education support employees, students, parents, and other
 25 business and community citizens who are representative of the
 26 ethnic, racial, and economic community served by the school.
 27 Career center and high school advisory councils shall include
 28 students, and middle and junior high school advisory councils

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29 may include students. School advisory councils of career centers
30 and adult education centers are not required to include parents
31 as members. Council members representing teachers, education
32 support employees, students, and parents shall be elected by
33 their respective peer groups at the school in a fair and
34 equitable manner as follows:

- 35 1. Teachers shall be elected by teachers.
- 36 2. Education support employees shall be elected by
37 education support employees.
- 38 3. Students shall be elected by students.
- 39 4. Parents shall be elected by parents.

40
41 The district school board shall establish procedures to be used
42 by schools in selecting business and community members that
43 include means of ensuring wide notice of vacancies and of taking
44 input on possible members from local business, chambers of
45 commerce, community and civic organizations and groups, and the
46 public at large. The district school board shall review the
47 membership composition of each advisory council. If the district
48 school board determines that the membership elected by the
49 school is not representative of the ethnic, racial, and economic
50 community served by the school, the district school board shall
51 appoint additional members to achieve proper representation. The
52 commissioner shall determine if schools have maximized their
53 efforts to include on their advisory councils minority persons
54 and persons of lower socioeconomic status. Although schools are
55 strongly encouraged to establish school advisory councils, the
56 district school board of any school district that has a student

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2009

57 | population of 10,000 or fewer may establish a district advisory
58 | council which includes at least one duly elected teacher from
59 | each school in the district. For the purposes of school advisory
60 | councils and district advisory councils, the term "teacher"
61 | includes classroom teachers, certified student services
62 | personnel, and media specialists. For purposes of this
63 | paragraph, "education support employee" means any person
64 | employed by a school who is not defined as instructional or
65 | administrative personnel pursuant to s. 1012.01 and whose duties
66 | require 20 or more hours in each normal working week.

67 | Section 2. This act shall take effect July 1, 2009.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

Bill No. 643

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 Jones offered the following:

3

4 **Amendment**

5 Remove line 21 and insert:

6 council must be persons who are not employed at ~~by~~ the school

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1293 High School Graduation

SPONSOR(S): PreK-12 Policy Committee

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

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT) to graduate from high school and receive a standard diploma. Four of the required credits students must earn are in mathematics: one credit in Algebra I, the equivalent, or a higher level mathematics course. In science, students are required to earn three credits, two of which must have a laboratory component.

This Proposed Committee Substitute (PCS) for HB 1293 modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses that must be taken, as follows:

Beginning with students entering the 9th grade in the 2010-2011 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the State Board of Education (SBE); and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component.

Beginning with students entering the 9th grade in the 2012-2013 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component.

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.

The PCS raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency.

The PCS also creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by the Department of Education (DOE). The DOE is granted rulemaking authority to implement the program.

See the FISCAL COMMENTS section of this analysis.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcs1293.PT.doc
DATE: 3/16/2009

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:

High School Graduation Requirements

Current Law

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT)¹ to graduate from high school and receive a standard diploma. Of the 24 credits, four of the credits are in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II. Three credits must be in science, two of which must have a laboratory component. However, no specific science courses are identified.²

Mathematics Courses

There are several options available for students to meet the mathematics credit requirements. Courses equivalent to Algebra I include Algebra Ia and Ib and pre-Advanced International Certificate of Education (AICE) Math I. In addition, there are a series of integrated mathematics courses (Integrated Math I, II, and III) that incorporate Algebra I and II and geometry into a 3-year sequence of courses. Algebra I, geometry, and Algebra II all have equivalent honors level courses.³

Science Courses

There are also several options available for students to meet the science credit requirements. Physical sciences include any chemistry, physics, or physical science course and the equivalent honors level, AICE, or International Baccalaureate (IB) courses. In addition, there is a series of integrated science courses (Science I, II, and III) that incorporate biology, chemistry, and earth science into a 3-year sequence of courses. Higher level science courses include any Advanced Placement (AP), IB, or AICE level courses in science or the second year of chemistry, physics, or biology.⁴

¹ s. 1003.428(4)(b), F.S., and s. 1008.22(3)(c), F.S.

² s. 1003.428(2)(a), F.S.

³ Information provided by staff at the Department of Education, Bureau of Curriculum and Instruction, March 9, 2009. See <https://www.osfaffelp.org/bfiehs/fnbpas04.aspx?curyr4=2009>, Florida Bright Futures Scholarship Program, Florida Department of Education, Office of Student Financial Assistance, Special Course Equivalencies.

⁴ *Id.*

Effect of Proposed Changes

The Proposed Committee Substitute (PCS) modifies the high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively. The PCS provides the following schedule and specific courses:

Beginning with students entering the 9th grade in the 2010-2011 School Year

- In mathematics, one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component which is a current requirement.

Beginning with students entering the 9th grade in the 2012-2013 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I as approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component which is a current requirement.

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options⁵ must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.⁶

Grade 10 Florida Comprehensive Assessment Test (FCAT)

Current Law

In addition to earning credits in the required high school courses, students must also pass the reading and mathematics portions of the Grade 10 FCAT or attain concordant scores on either the SAT or American College Test (ACT) tests.⁷ A student must take each subject area of the Grade 10 FCAT a total of three times without earning a passing score in order to use concordant scores from the SAT or ACT. A new student entering the Florida public school system in the 12th grade may use a concordant score without taking the FCAT.⁸

FCAT Achievement Levels are based on both scale scores and developmental scale scores⁹ and range from Level 1 (lowest) to Level 5 (highest).¹⁰ The passing scores for the Grade 10 FCAT reading and

⁵ s. 1003.429(1)(b) and (c), F.S.

⁶ The Florida Virtual School offers over 85 middle and high school courses, from general to honors courses, and 11 Advanced Placement classes. In addition, courses in foreign language, physical education, health, business, computer science, and FCAT and SAT prep are also offered by the virtual school. See http://www.floridaschoolchoice.org/Information/virtual_schools/faqs.asp

⁷ <http://www.fcattldoe.org/pdf/fcatpass.pdf> Florida Department of Education, FCAT Graduation Requirements, January 2009.

⁸ s. 1008.22(10), F.S.

⁹ Scale scores are reported for all FCAT Sunshine State Standards (SSS) subjects, except FCAT Writing, and range from 100 (lowest) to 500 (highest). Developmental Scale Scores (DSS) are only reported for FCAT SSS Reading and Mathematics and range from 0 to

mathematics and retake tests are determined by the State Board of Education (SBE). For FCAT reading, the passing score is a Developmental Scale Score (DSS) of 1926 (scale score of 300) or above and is within the Level 2 FCAT Achievement Level. For FCAT mathematics, the passing score is a Developmental Scale Score of 1889 (scale score of 300) or above, which is also within the Level 2 FCAT Achievement Level.¹¹

Effect of Proposed Changes

The PCS provides that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. This requirement in effect raises the required passing score from a DSS within the Level 2 FCAT Achievement Level to a DSS within the Level 3 FCAT Achievement Level. Initially, there may be an increase in the number of students that would not pass the Grade 10 FCAT causing an increase in the demand for remedial classes and an increase in the number of students required to retake the FCAT in order to meet high school graduation requirements.

Alternative Diplomas

Current Law

High School Equivalency Diploma

The SBE is required to adopt rules that prescribe performance standards and provide comprehensive examinations to be administered to candidates for high school equivalency diplomas.¹² Each district school board must offer and administer the high school equivalency diploma examinations to all candidates. The DOE is authorized to award high school equivalency diplomas to candidates who: have attained on each of the 5 General Education Development (GED) Tests¹³ a minimum score of 410 or above on a scale of 0 to 800, with an average score of 450; and meet the standards specified by the SBE.¹⁴

Effect of Proposed Changes

Graduation Exit Option Program

The PCS creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, are enrolled in high school courses that meet high school graduation requirements, are at risk of failing to graduate, and meet criteria developed by the DOE. The criteria developed by the DOE must ensure that the program is not used as a means for early graduation for students who have the ability to pass the Grade 10 FCAT. Additional student eligibility requirements are that: the student must meet minimum reading levels and minimum scores on GED practice tests; earn passing scores on the reading and math portions of the FCAT, or scores on a standardized test that are concordant with passing scores on the FCAT; and pass each of the five sections of the GED Test.

Students receiving an alternative diploma cannot be counted when calculating graduation rates. The DOE is required to design the alternative diploma to distinguish it from the standard diploma. The DOE is also granted rulemaking authority to implement the program.

The PCS moves existing sections of law relating to the accommodations required for students with disabilities and the award of diplomas for certain veterans to separate sections for organizational purposes.

3000 across grades 3 through 10. DSS link two years of student FCAT data that track student progress over time. Students should receive higher scores as they move from grade to grade according to their increased achievement. *See*

<http://www.fcat.fldoe.org/pdf/fcAchievementLevels.pdf> Florida Department of Education. FCAT Achievement Levels, July 2008.

¹⁰ <http://www.fcat.fldoe.org/pdf/fcAchievementLevels.pdf> Florida Department of Education. FCAT Achievement Levels, July 2008.

¹¹ *Id.*

¹² s. 1003.435, F.S.

¹³ The 5 GED Tests are in Social Studies, Science, Reading, Mathematics, and Writing Skills. *See* Rule 6A-6.021(3), F.A.C.

¹⁴ Rule 6A-6.021, F.A.C.

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B. SECTION DIRECTORY:

Section 1: Amends s. 1003.428, F.S., relating to the revised general requirements for high school graduation; providing additional requirements in mathematics and science for students entering 9th grade in the 2010-2011 and 2012-2013 school years; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses; and moving provisions relating to testing accommodations for students with disabilities and awarding standard high school diplomas to certain honorably discharged veterans to a newly created section of law for organizational purposes.

Section 2: Creates s. 1003.4282, F.S., relating to accommodations for students with disabilities; graduation requirements; locating existing law relating to testing accommodations for students with disabilities into one section of law for organizational purposes.

Section 3: Creates s. 1003.4286, F.S., creating the Graduation Exit Option Program; authorizing the award of an alternative diploma for eligible high school students; establishing the requirements for eligibility; and granting rulemaking authority to the State Board of Education.

Section 4: Creates s. 1003.4287, F.S., relating to recognition of veterans; high school diploma; locating existing provisions awarding standard high school diplomas to certain honorably discharged veterans under the revised standard diploma and the general requirements for graduation into one section of law for organizational purposes.

Section 5: Amends s. 1003.429, F.S., relating to accelerated high school graduation requirements; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses.

Section 6: Amends s. 1003.43, F.S., relating to general requirements for high school graduation; moving existing provisions relating to testing accommodations for students with disabilities and awarding standard high school diplomas to certain honorably discharged veterans to newly created sections of law for organizational purposes.

Section 7: Amends s. 1007.623, F.S., relating to community colleges; admissions of students; correcting a cross-reference.

Section 8: Amends s. 1008.22, F.S., relating to student assessment program for public schools; providing that, at a minimum, passing scores for the grade 10 FCAT must meet grade-level proficiency.

Section 9: Amends s. 1009.531, F.S., relating to Florida Bright Futures Scholarship program; clarifying that in order to be eligible for the Florida Bright Futures Scholarship Program a student must earn a standard diploma under the revised general requirements for high school graduation.

Section 10: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This 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:¹⁵

More rigorous high school graduation requirements would likely result in a reduction in the number of students needing remediation courses at community colleges. This should result in a cost savings that is indeterminate at this time.

Due to lower first-time passing rates, there would be an increase in the number of students that would be required to retake the FCAT. For example, the difference between the percent passing and the percent at grade level proficiency (currently interpreted as scoring Level 3) for the Grade 10 FCAT reading is 19%. This 19% represents an additional 35,200 students that would be required to retake the FCAT at a minimum in reading. While some of these students will pass at the first retake opportunity (fall 2011), others will not and they will be required to participate in another retake administration (spring 2012).

If 50% of the students participating in the fall retake are required to test again, there would be an additional impact of approximately 17,600 students. In total, approximately 52,800 additional students would participate.

Beginning in FY 2011-2012, the cost related to the new FCAT passing score is approximately \$1M. This cost is associated with the increased number of students to be tested in fall and spring FCAT retake administrations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill 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 Department of Education is granted rulemaking authority to implement the Graduation Exit Option Program.

¹⁵ Florida Department of Education. Analysis of PCS for HB 1293, March 13, 2009.

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 high school graduation; amending s.
 3 1003.428, F.S.; requiring that students be advised of the
 4 availability of certain courses for purposes of high
 5 school graduation; providing credit requirements for high
 6 school graduation with a standard diploma beginning with
 7 students entering grade 9 in the 2010-2011 school year and
 8 students entering grade 9 in the 2012-2013 school year;
 9 deleting provisions relating to general requirements for
 10 high school graduation to conform to changes made by the
 11 act; creating s. 1003.4282, F.S.; providing for
 12 accommodations for students with disabilities for purposes
 13 of high school graduation; creating s. 1003.4286, F.S.;
 14 creating the Graduation Exit Option Program under which a
 15 high school student shall be awarded an alternative
 16 diploma; providing requirements for participation in the
 17 program and receipt of a diploma; providing Department of
 18 Education duties and requiring State Board of Education
 19 rules; creating s. 1003.4287, F.S.; authorizing the award
 20 of a standard high school diploma to certain honorably
 21 discharged veterans; amending s. 1003.429, F.S.; requiring
 22 that students be advised of the availability of certain
 23 courses for purposes of an accelerated high school
 24 graduation option; amending s. 1003.43, F.S.; deleting
 25 provisions relating to general requirements for high
 26 school graduation to conform to changes made by the act;
 27 amending s. 1007.263, F.S.; conforming a cross-reference;
 28 amending s. 1008.22, F.S.; requiring passing scores on the

29 grade 10 FCAT to meet grade-level proficiency; conforming
30 cross-references; amending s. 1009.531, F.S.; conforming
31 provisions; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Subsection (1), paragraph (a) of subsection
36 (2), and subsections (5) through (11) of section 1003.428,
37 Florida Statutes, are amended to read:

38 1003.428 General requirements for high school graduation;
39 revised.--

40 (1) Except as otherwise authorized pursuant to s.
41 1003.429, beginning with students entering their first year of
42 high school in the 2007-2008 school year, graduation requires
43 the successful completion of a minimum of 24 credits, an
44 International Baccalaureate curriculum, or an Advanced
45 International Certificate of Education curriculum. Students must
46 be advised of the Advanced Placement, International
47 Baccalaureate, Advanced International Certificate of Education,
48 and dual enrollment courses available, as well as the
49 availability of course offerings through the Florida Virtual
50 School. Students must also be advised of eligibility
51 requirements for state scholarship programs and postsecondary
52 admissions.

53 (2) The 24 credits may be earned through applied,
54 integrated, and combined courses approved by the Department of
55 Education and shall be distributed as follows:

56 (a) Sixteen core curriculum credits:

57 1. Four credits in English, with major concentration in
58 composition, reading for information, and literature.

59 2. Four credits in mathematics, one of which must be
60 Algebra I, a series of courses equivalent to Algebra I, or a
61 higher-level mathematics course. Beginning with students
62 entering grade 9 in the 2010-2011 school year, one of the four
63 credits must be Algebra I or a series of courses equivalent to
64 Algebra I as approved by the State Board of Education, and one
65 credit must be geometry or a series of courses equivalent to
66 geometry as approved by the State Board of Education. Beginning
67 with students entering grade 9 in the 2012-2013 school year, one
68 of the four credits must be Algebra I or a series of courses
69 equivalent to Algebra I as approved by the State Board of
70 Education, one credit must be geometry or a series of courses
71 equivalent to geometry as approved by the State Board of
72 Education, and one credit must be Algebra II or a series of
73 courses equivalent to Algebra II as approved by the State Board
74 of Education. School districts are encouraged to set specific
75 goals to increase enrollments in, and successful completion of,
76 geometry and Algebra II.

77 3. Three credits in science, two of which must have a
78 laboratory component. Beginning with students entering grade 9
79 in the 2010-2011 school year, one of the three credits must be
80 Biology I or a series of courses equivalent to Biology I as
81 approved by the State Board of Education, one credit must be a
82 physical science or a series of courses equivalent to a physical
83 science as approved by the State Board of Education, and one
84 credit must be a higher-level science course. At least two of

85 the science courses must have a laboratory component. Beginning
 86 with students entering grade 9 in the 2012-2013 school year, one
 87 of the three credits must be Biology I or a series of courses
 88 equivalent to Biology I as approved by the State Board of
 89 Education, one credit must be chemistry or a series of courses
 90 equivalent to chemistry as approved by the State Board of
 91 Education, and one credit must be a higher-level science course.
 92 At least two of the science courses must have a laboratory
 93 component.

94 4. Three credits in social studies as follows: one credit
 95 in American history; one credit in world history; one-half
 96 credit in economics; and one-half credit in American government.

97 5. One credit in fine or performing arts, speech and
 98 debate, or a practical arts course that incorporates artistic
 99 content and techniques of creativity, interpretation, and
 100 imagination. Eligible practical arts courses shall be identified
 101 through the Course Code Directory.

102 6. One credit in physical education to include integration
 103 of health. Participation in an interscholastic sport at the
 104 junior varsity or varsity level for two full seasons shall
 105 satisfy the one-credit requirement in physical education if the
 106 student passes a competency test on personal fitness with a
 107 score of "C" or better. The competency test on personal fitness
 108 must be developed by the Department of Education. A district
 109 school board may not require that the one credit in physical
 110 education be taken during the 9th grade year. Completion of one
 111 semester with a grade of "C" or better in a marching band class,
 112 in a physical activity class that requires participation in

113 marching band activities as an extracurricular activity, or in a
 114 dance class shall satisfy one-half credit in physical education
 115 or one-half credit in performing arts. This credit may not be
 116 used to satisfy the personal fitness requirement or the
 117 requirement for adaptive physical education under an individual
 118 education plan (IEP) or 504 plan. Completion of 2 years in a
 119 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 120 component of which is drills, shall satisfy the one-credit
 121 requirement in physical education and the one-credit requirement
 122 in performing arts. This credit may not be used to satisfy the
 123 personal fitness requirement or the requirement for adaptive
 124 physical education under an individual education plan (IEP) or
 125 504 plan.

126 ~~(5) The State Board of Education, after a public hearing~~
 127 ~~and consideration, shall adopt rules based upon the~~
 128 ~~recommendations of the commissioner for the provision of test~~
 129 ~~accommodations and modifications of procedures as necessary for~~
 130 ~~students with disabilities which will demonstrate the student's~~
 131 ~~abilities rather than reflect the student's impaired sensory,~~
 132 ~~manual, speaking, or psychological process skills.~~

133 ~~(6) The public hearing and consideration required in~~
 134 ~~subsection (5) shall not be construed to amend or nullify the~~
 135 ~~requirements of security relating to the contents of~~
 136 ~~examinations or assessment instruments and related materials or~~
 137 ~~data as prescribed in s. 1008.23.~~

138 (5)(7)(a) A student who meets all requirements prescribed
 139 in subsections (1), (2), (3), and (4) shall be awarded a

140 standard diploma in a form prescribed by the State Board of
 141 Education.

142 (b) A student who completes the minimum number of credits
 143 and other requirements prescribed by subsections (1), (2), and
 144 (3), but who is unable to meet the standards of paragraph
 145 (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded
 146 a certificate of completion in a form prescribed by the State
 147 Board of Education. However, any student who is otherwise
 148 entitled to a certificate of completion may elect to remain in
 149 the secondary school either as a full-time student or a part-
 150 time student for up to 1 additional year and receive special
 151 instruction designed to remedy his or her identified
 152 deficiencies.

153 ~~(8)(a) Each district school board must provide instruction~~
 154 ~~to prepare students with disabilities to demonstrate proficiency~~
 155 ~~in the core content knowledge and skills necessary for~~
 156 ~~successful grade to grade progression and high school~~
 157 ~~graduation.~~

158 ~~(b) A student with a disability, as defined in s.~~
 159 ~~1007.02(2), for whom the individual education plan (IEP)~~
 160 ~~committee determines that the FCAT cannot accurately measure the~~
 161 ~~student's abilities taking into consideration all allowable~~
 162 ~~accommodations, shall have the FCAT requirement of paragraph~~
 163 ~~(4)(b) waived for the purpose of receiving a standard high~~
 164 ~~school diploma, if the student:~~

165 ~~1. Completes the minimum number of credits and other~~
 166 ~~requirements prescribed by subsections (1), (2), and (3).~~

167 ~~2. Does not meet the requirements of paragraph (4)(b)~~
 168 ~~after one opportunity in 10th grade and one opportunity in 11th~~
 169 ~~grade.~~

170 ~~(9) The Commissioner of Education may award a standard~~
 171 ~~high school diploma to honorably discharged veterans who started~~
 172 ~~high school between 1937 and 1946 and were scheduled to graduate~~
 173 ~~between 1941 and 1950 but were inducted into the United States~~
 174 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
 175 ~~prior to completing the necessary high school graduation~~
 176 ~~requirements. Upon the recommendation of the commissioner, the~~
 177 ~~State Board of Education may develop criteria and guidelines for~~
 178 ~~awarding such diplomas.~~

179 ~~(10) The Commissioner of Education may award a standard~~
 180 ~~high school diploma to honorably discharged veterans who started~~
 181 ~~high school between 1946 and 1950 and were scheduled to graduate~~
 182 ~~between 1950 and 1954, but were inducted into the United States~~
 183 ~~Armed Forces between June 27, 1950, and January 31, 1955, and~~
 184 ~~served during the Korean Conflict prior to completing the~~
 185 ~~necessary high school graduation requirements. Upon the~~
 186 ~~recommendation of the commissioner, the State Board of Education~~
 187 ~~may develop criteria and guidelines for awarding such diplomas.~~

188 (6)~~(11)~~ The State Board of Education may adopt rules
 189 pursuant to ss. 120.536(1) and 120.54 to implement the
 190 provisions of this section and may enforce the provisions of
 191 this section pursuant to s. 1008.32.

192 Section 2. Section 1003.4282, Florida Statutes, is created
 193 to read:

194 1003.4282 Accommodations for students with disabilities;
 195 graduation requirements.--For purposes of high school
 196 graduation:

197 (1) The State Board of Education, after a public hearing
 198 and consideration, shall adopt rules based upon the
 199 recommendations of the Commissioner of Education for the
 200 provision of test accommodations as necessary for students with
 201 disabilities which will demonstrate the student's abilities
 202 rather than reflect the student's impaired sensory, manual,
 203 speaking, or psychological process skills.

204 (2) The public hearing and consideration required in
 205 subsection (1) shall not be construed to amend or nullify the
 206 requirements of security relating to the contents of
 207 examinations or assessment instruments and related materials or
 208 data as prescribed in s. 1008.23.

209 (3) (a) Each district school board must provide instruction
 210 to prepare students with disabilities to demonstrate proficiency
 211 in the core content knowledge and skills necessary for
 212 successful grade-to-grade progression and high school
 213 graduation.

214 (b) A student with a disability, as defined in s.
 215 1007.02(2), for whom the individual education plan committee
 216 determines that the FCAT cannot accurately measure the student's
 217 abilities taking into consideration all allowable
 218 accommodations, shall have the FCAT requirement of s.
 219 1003.428(4)(b) or s. 1003.43(5)(a) waived for the purpose of
 220 receiving a high school diploma, if the student:

221 1. Completes the minimum number of credits and other
 222 requirements prescribed in s. 1003.428(1)-(3) or s. 1003.43(1)
 223 and (4).

224 2. Does not meet the FCAT requirements of s.
 225 1003.428(4)(b) or s. 1003.43(5)(a) after one opportunity in
 226 grade 10 and one opportunity in grade 11.

227 Section 3. Section 1003.4286, Florida Statutes, is created
 228 to read:

229 1003.4286 Graduation Exit Option Program; alternative
 230 diploma.--

231 (1) There is created the Graduation Exit Option Program
 232 under which a high school student shall be awarded an
 233 alternative diploma. To be eligible to participate in the
 234 program, a high school student must:

235 (a) Be at least 16 years old.

236 (b) Be enrolled in high school courses that meet high
 237 school graduation requirements.

238 (c) Be at risk of failing to graduate.

239 (d) Meet criteria developed by the Department of Education
 240 to ensure that the program is not used as a means for early
 241 graduation and to target students who have the ability to pass
 242 the grade 10 FCAT and the general educational development (GED)
 243 test.

244 (2) To receive an alternative diploma under the Graduation
 245 Exit Option Program, a high school student must:

246 (a) Meet minimum reading levels and earn minimum scores on
 247 GED practice tests, as established by the department.

248 (b) Earn passing scores on the reading and mathematics
 249 portions of the FCAT, as defined in s. 1008.22(3), or scores on
 250 a standardized test that are concordant with passing scores on
 251 the FCAT, as defined in s. 1008.22(10).

252 (c) Pass each of the five sections of the GED test.

253 (d) Earn at least 14 credits toward high school
 254 graduation, at least 8 of which are earned in English, reading,
 255 mathematics, science, or social studies.

256 (3) An alternative diploma awarded under this section may
 257 not be used for calculating graduation rates for any purpose.

258 (4) The department shall design the alternative diploma to
 259 distinguish the diploma from a standard diploma.

260 (5) The State Board of Education shall adopt rules
 261 pursuant to ss. 120.536(1) and 120.54 to implement this section.

262 Section 4. Section 1003.4287, Florida Statutes, is created
 263 to read:

264 1003.4287 Recognition of veterans; high school diploma.--

265 (1) The Commissioner of Education may award a standard
 266 high school diploma to honorably discharged veterans who started
 267 high school between 1937 and 1946 and were scheduled to graduate
 268 between 1941 and 1950 but were inducted into the United States
 269 Armed Forces between September 16, 1940, and December 31, 1946,
 270 prior to completing the necessary high school graduation
 271 requirements. Upon the recommendation of the commissioner, the
 272 State Board of Education may develop criteria and guidelines for
 273 awarding such diplomas.

274 (2) The Commissioner of Education may award a standard
 275 high school diploma to honorably discharged veterans who started

276 high school between 1946 and 1950 and were scheduled to graduate
 277 between 1949 and 1955 but were inducted into the United States
 278 Armed Forces between June 1949 and January 1955 and served
 279 during the Korean War prior to completing the necessary high
 280 school graduation requirements. Upon the recommendation of the
 281 commissioner, the State Board of Education may develop criteria
 282 and guidelines for awarding such diplomas.

283 Section 5. Paragraph (b) of subsection (1) of section
 284 1003.429, Florida Statutes, is amended to read:

285 1003.429 Accelerated high school graduation options.--

286 (1) Students who enter grade 9 in the 2006-2007 school
 287 year and thereafter may select, upon receipt of each consent
 288 required by this section, one of the following three high school
 289 graduation options:

290 (b) Completion of a 3-year standard college preparatory
 291 program requiring successful completion of a minimum of 18
 292 academic credits in grades 9 through 12. At least 6 of the 18
 293 credits required for completion of this program must be received
 294 in classes that are offered pursuant to the International
 295 Baccalaureate Program, the Advanced Placement Program, dual
 296 enrollment, or the Advanced International Certificate of
 297 Education Program, or specifically listed or identified by the
 298 Department of Education as rigorous pursuant to s. 1009.531(3).
 299 Students must be advised of the Advanced Placement,
 300 International Baccalaureate, Advanced International Certificate
 301 of Education, and dual enrollment courses available, as well as
 302 the availability of course offerings through the Florida Virtual
 303 School. The 18 credits required for completion of this program

304 shall be primary requirements and shall be distributed as
 305 follows:

306 1. Four credits in English, with major concentration in
 307 composition and literature;

308 2. Three credits in mathematics at the Algebra I level or
 309 higher from the list of courses that qualify for state
 310 university admission;

311 3. Three credits in natural science, two of which must
 312 have a laboratory component;

313 4. Three credits in social sciences, which must include
 314 one credit in American history, one credit in world history,
 315 one-half credit in American government, and one-half credit in
 316 economics;

317 5. Two credits in the same second language unless the
 318 student is a native speaker of or can otherwise demonstrate
 319 competency in a language other than English. If the student
 320 demonstrates competency in another language, the student may
 321 replace the language requirement with two credits in other
 322 academic courses; and

323 6. Three credits in electives; or

324
 325 Any student who selected an accelerated graduation program
 326 before July 1, 2004, may continue that program, and all
 327 statutory program requirements that were applicable when the
 328 student made the program choice shall remain applicable to the
 329 student as long as the student continues that program.

330 Section 6. Subsections (8) through (13) of section
 331 1003.43, Florida Statutes, are amended to read:

332 1003.43 General requirements for high school graduation.--

333 ~~(8) The State Board of Education, after a public hearing~~
 334 ~~and consideration, shall adopt rules based upon the~~
 335 ~~recommendations of the commissioner for the provision of test~~
 336 ~~accommodations and modifications of procedures as necessary for~~
 337 ~~students with disabilities which will demonstrate the student's~~
 338 ~~abilities rather than reflect the student's impaired sensory,~~
 339 ~~manual, speaking, or psychological process skills.~~

340 ~~(9) The public hearing and consideration required in~~
 341 ~~subsection (8) shall not be construed to amend or nullify the~~
 342 ~~requirements of security relating to the contents of~~
 343 ~~examinations or assessment instruments and related materials or~~
 344 ~~data as prescribed in s. 1008.23.~~

345 (8)~~(10)~~(a) A student who meets all requirements prescribed
 346 in subsections (1), (4), and (5) shall be awarded a standard
 347 diploma in a form prescribed by the State Board of Education. A
 348 district school board may attach the Florida gold seal career
 349 endorsement to a standard diploma or, instead of the standard
 350 diploma, award differentiated diplomas to those exceeding the
 351 prescribed minimums.

352 (b) A student who completes the minimum number of credits
 353 and other requirements prescribed by subsections (1) and (4),
 354 but who is unable to meet the standards of paragraph (5)(a),
 355 paragraph (5)(b), or paragraph (5)(c), shall be awarded a
 356 certificate of completion in a form prescribed by the State
 357 Board of Education. However, any student who is otherwise
 358 entitled to a certificate of completion may elect to remain in
 359 the secondary school either as a full-time student or a part-

360 time student for up to 1 additional year and receive special
 361 instruction designed to remedy his or her identified
 362 deficiencies.

363 ~~(11) (a) Each district school board must provide~~
 364 ~~instruction to prepare students with disabilities to demonstrate~~
 365 ~~proficiency in the core content knowledge and skills necessary~~
 366 ~~for successful grade to grade progression and high school~~
 367 ~~graduation.~~

368 ~~(b) A student with a disability, as defined in s.~~
 369 ~~1007.02(2), for whom the individual educational plan (IEP)~~
 370 ~~committee determines that the FCAT cannot accurately measure the~~
 371 ~~student's abilities taking into consideration all allowable~~
 372 ~~accommodations, shall have the FCAT requirement of paragraph~~
 373 ~~(5) (a) waived for the purpose of receiving a standard high~~
 374 ~~school diploma, if the student:~~

375 ~~1. Completes the minimum number of credits and other~~
 376 ~~requirements prescribed by subsections (1) and (4).~~

377 ~~2. Does not meet the requirements of paragraph (5) (a)~~
 378 ~~after one opportunity in 10th grade and one opportunity in 11th~~
 379 ~~grade.~~

380 ~~(12) The Commissioner of Education may award a standard~~
 381 ~~high school diploma to honorably discharged veterans who started~~
 382 ~~high school between 1937 and 1946 and were scheduled to graduate~~
 383 ~~between 1941 and 1950 but were inducted into the United States~~
 384 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
 385 ~~prior to completing the necessary high school graduation~~
 386 ~~requirements. Upon the recommendation of the commissioner, the~~

387 | ~~State Board of Education may develop criteria and guidelines for~~
 388 | ~~awarding such diplomas.~~

389 | ~~(13) The Commissioner of Education may award a standard~~
 390 | ~~high school diploma to honorably discharged veterans who started~~
 391 | ~~high school between 1946 and 1950 and were scheduled to graduate~~
 392 | ~~between 1949 and 1955, but were inducted into the United States~~
 393 | ~~Armed Forces between June 1949 and January 1955, and served~~
 394 | ~~during the Korean War prior to completing the necessary high~~
 395 | ~~school graduation requirements. Upon the recommendation of the~~
 396 | ~~commissioner, the State Board of Education may develop criteria~~
 397 | ~~and guidelines for awarding such diplomas.~~

398 | Section 7. Subsection (4) of section 1007.263, Florida
 399 | Statutes, is amended to read:

400 | 1007.263 Community colleges; admissions of students.--Each
 401 | community college board of trustees is authorized to adopt rules
 402 | governing admissions of students subject to this section and
 403 | rules of the State Board of Education. These rules shall include
 404 | the following:

405 | (4) A student who has been awarded a special diploma as
 406 | defined in s. 1003.438 or a certificate of completion as defined
 407 | in s. 1003.43(8)~~(10)~~ is eligible to enroll in certificate career
 408 | education programs.

409 |
 410 | Each board of trustees shall establish policies that notify
 411 | students about, and place students into, adult basic education,
 412 | adult secondary education, or other instructional programs that
 413 | provide students with alternatives to traditional college-
 414 | preparatory instruction, including private provider instruction.

415 A student is prohibited from enrolling in additional college-
 416 level courses until the student scores above the cut-score on
 417 all sections of the common placement test.

418 Section 8. Paragraph (c) of subsection (3) of section
 419 1008.22, Florida Statutes, is amended to read:

420 1008.22 Student assessment program for public schools.--

421 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 422 design and implement a statewide program of educational
 423 assessment that provides information for the improvement of the
 424 operation and management of the public schools, including
 425 schools operating for the purpose of providing educational
 426 services to youth in Department of Juvenile Justice programs.
 427 The commissioner may enter into contracts for the continued
 428 administration of the assessment, testing, and evaluation
 429 programs authorized and funded by the Legislature. Contracts may
 430 be initiated in 1 fiscal year and continue into the next and may
 431 be paid from the appropriations of either or both fiscal years.
 432 The commissioner is authorized to negotiate for the sale or
 433 lease of tests, scoring protocols, test scoring services, and
 434 related materials developed pursuant to law. Pursuant to the
 435 statewide assessment program, the commissioner shall:

436 (c) Develop and implement a student achievement testing
 437 program known as the Florida Comprehensive Assessment Test
 438 (FCAT) as part of the statewide assessment program to measure a
 439 student's content knowledge and skills in reading, writing,
 440 science, and mathematics. Other content areas may be included as
 441 directed by the commissioner. Comprehensive assessments of
 442 reading and mathematics shall be administered annually in grades

443 3 through 10. Comprehensive assessments of writing and science
 444 shall be administered at least once at the elementary, middle,
 445 and high school levels. End-of-course assessments for a subject
 446 may be administered in addition to the comprehensive assessments
 447 required for that subject under this paragraph. An end-of-course
 448 assessment must be rigorous, statewide, standardized, and
 449 developed or approved by the department. The content knowledge
 450 and skills assessed by comprehensive and end-of-course
 451 assessments must be aligned to the core curricular content
 452 established in the Sunshine State Standards. The commissioner
 453 may select one or more nationally developed comprehensive
 454 examinations, which may include, but need not be limited to,
 455 examinations for a College Board Advanced Placement course,
 456 International Baccalaureate course, or Advanced International
 457 Certificate of Education course or industry-approved
 458 examinations to earn national industry certifications as defined
 459 in s. 1003.492, for use as end-of-course assessments under this
 460 paragraph, if the commissioner determines that the content
 461 knowledge and skills assessed by the examinations meet or exceed
 462 the grade level expectations for the core curricular content
 463 established for the course in the Next Generation Sunshine State
 464 Standards. The commissioner may collaborate with the American
 465 Diploma Project in the adoption or development of rigorous end-
 466 of-course assessments that are aligned to the Next Generation
 467 Sunshine State Standards. The testing program must be designed
 468 as follows:

- 469 1. The tests shall measure student skills and competencies
- 470 adopted by the State Board of Education as specified in

471 paragraph (a). The tests must measure and report student
 472 proficiency levels of all students assessed in reading, writing,
 473 mathematics, and science. The commissioner shall provide for the
 474 tests to be developed or obtained, as appropriate, through
 475 contracts and project agreements with private vendors, public
 476 vendors, public agencies, postsecondary educational
 477 institutions, or school districts. The commissioner shall obtain
 478 input with respect to the design and implementation of the
 479 testing program from state educators, assistive technology
 480 experts, and the public.

481 2. The testing program shall be composed of criterion-
 482 referenced tests that shall, to the extent determined by the
 483 commissioner, include test items that require the student to
 484 produce information or perform tasks in such a way that the core
 485 content knowledge and skills he or she uses can be measured.

486 3. Beginning with the 2008-2009 school year, the
 487 commissioner shall discontinue administration of the selected-
 488 response test items on the comprehensive assessments of writing.
 489 Beginning with the 2012-2013 school year, the comprehensive
 490 assessments of writing shall be composed of a combination of
 491 selected-response test items, short-response performance tasks,
 492 and extended-response performance tasks, which shall measure a
 493 student's content knowledge of writing, including, but not
 494 limited to, paragraph and sentence structure, sentence
 495 construction, grammar and usage, punctuation, capitalization,
 496 spelling, parts of speech, verb tense, irregular verbs, subject-
 497 verb agreement, and noun-pronoun agreement.

498 4. A score shall be designated for each subject area
 499 tested, below which score a student's performance is deemed
 500 inadequate. The school districts shall provide appropriate
 501 remedial instruction to students who score below these levels.

502 5. Except as provided in s. 1003.4282 ~~1003.428(8)(b) or s.~~
 503 ~~1003.43(11)(b)~~, students must earn a passing score on the grade
 504 10 assessment test described in this paragraph or attain
 505 concordant scores as described in subsection (10) in reading,
 506 writing, and mathematics to qualify for a standard high school
 507 diploma. The State Board of Education shall designate a passing
 508 score for each part of the grade 10 assessment test. In
 509 establishing passing scores, the state board shall consider any
 510 possible negative impact of the test on minority students. The
 511 State Board of Education shall adopt rules which specify the
 512 passing scores for the grade 10 FCAT. Such passing scores must
 513 at a minimum meet grade-level proficiency. Any such rules, which
 514 have the effect of raising the required passing scores, shall
 515 apply only to students taking the grade 10 FCAT for the first
 516 time after such rules are adopted by the State Board of
 517 Education.

518 6. Participation in the testing program is mandatory for
 519 all students attending public school, including students served
 520 in Department of Juvenile Justice programs, except as otherwise
 521 prescribed by the commissioner. If a student does not
 522 participate in the statewide assessment, the district must
 523 notify the student's parent and provide the parent with
 524 information regarding the implications of such nonparticipation.
 525 A parent must provide signed consent for a student to receive

526 classroom instructional accommodations that would not be
 527 available or permitted on the statewide assessments and must
 528 acknowledge in writing that he or she understands the
 529 implications of such instructional accommodations. The State
 530 Board of Education shall adopt rules, based upon recommendations
 531 of the commissioner, for the provision of test accommodations
 532 for students in exceptional education programs and for students
 533 who have limited English proficiency. Accommodations that negate
 534 the validity of a statewide assessment are not allowable in the
 535 administration of the FCAT. However, instructional
 536 accommodations are allowable in the classroom if included in a
 537 student's individual education plan. Students using
 538 instructional accommodations in the classroom that are not
 539 allowable as accommodations on the FCAT may have the FCAT
 540 requirement waived pursuant to the requirements of s. 1003.4282
 541 ~~1003.428(8)(b) or s. 1003.43(11)(b)~~.

542 7. A student seeking an adult high school diploma must
 543 meet the same testing requirements that a regular high school
 544 student must meet.

545 8. District school boards must provide instruction to
 546 prepare students to demonstrate proficiency in the core
 547 curricular content established in the Next Generation Sunshine
 548 State Standards adopted under s. 1003.41, including the core
 549 content knowledge and skills necessary for successful grade-to-
 550 grade progression and high school graduation. If a student is
 551 provided with instructional accommodations in the classroom that
 552 are not allowable as accommodations in the statewide assessment
 553 program, as described in the test manuals, the district must

554 inform the parent in writing and must provide the parent with
 555 information regarding the impact on the student's ability to
 556 meet expected proficiency levels in reading, writing, and
 557 mathematics. The commissioner shall conduct studies as necessary
 558 to verify that the required core curricular content is part of
 559 the district instructional programs.

560 9. District school boards must provide opportunities for
 561 students to demonstrate an acceptable level of performance on an
 562 alternative standardized assessment approved by the State Board
 563 of Education following enrollment in summer academies.

564 10. The Department of Education must develop, or select,
 565 and implement a common battery of assessment tools that will be
 566 used in all juvenile justice programs in the state. These tools
 567 must accurately measure the core curricular content established
 568 in the Sunshine State Standards.

569 11. For students seeking a special diploma pursuant to s.
 570 1003.438, the Department of Education must develop or select and
 571 implement an alternate assessment tool that accurately measures
 572 the core curricular content established in the Sunshine State
 573 Standards for students with disabilities under s. 1003.438.

574 12. The Commissioner of Education shall establish
 575 schedules for the administration of statewide assessments and
 576 the reporting of student test results. The commissioner shall,
 577 by August 1 of each year, notify each school district in writing
 578 and publish on the department's Internet website the testing and
 579 reporting schedules for, at a minimum, the school year following
 580 the upcoming school year. The testing and reporting schedules
 581 shall require that:

582 a. There is the latest possible administration of
 583 statewide assessments and the earliest possible reporting to the
 584 school districts of student test results which is feasible
 585 within available technology and specific appropriations;
 586 however, test results must be made available no later than the
 587 final day of the regular school year for students.

588 b. Beginning with the 2010-2011 school year, a
 589 comprehensive statewide assessment of writing is not
 590 administered earlier than the week of March 1 and a
 591 comprehensive statewide assessment of any other subject is not
 592 administered earlier than the week of April 15.

593 c. A statewide standardized end-of-course assessment is
 594 administered within the last 2 weeks of the course.

595
 596 The commissioner may, based on collaboration and input from
 597 school districts, design and implement student testing programs,
 598 for any grade level and subject area, necessary to effectively
 599 monitor educational achievement in the state, including the
 600 measurement of educational achievement of the Sunshine State
 601 Standards for students with disabilities. Development and
 602 refinement of assessments shall include universal design
 603 principles and accessibility standards that will prevent any
 604 unintended obstacles for students with disabilities while
 605 ensuring the validity and reliability of the test. These
 606 principles should be applicable to all technology platforms and
 607 assistive devices available for the assessments. The field
 608 testing process and psychometric analyses for the statewide
 609 assessment program must include an appropriate percentage of

610 students with disabilities and an evaluation or determination of
 611 the effect of test items on such students.

612 Section 9. Paragraph (b) of subsection (1) of section
 613 1009.531, Florida Statutes, is amended to read:

614 1009.531 Florida Bright Futures Scholarship Program;
 615 student eligibility requirements for initial awards.--

616 (1) Effective January 1, 2008, in order to be eligible for
 617 an initial award from any of the three types of scholarships
 618 under the Florida Bright Futures Scholarship Program, a student
 619 must:

620 (b) Earn a standard Florida high school diploma or its
 621 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,
 622 or s. 1003.435 unless:

623 1. The student completes a home education program
 624 according to s. 1002.41; or

625 2. The student earns a high school diploma from a non-
 626 Florida school while living with a parent or guardian who is on
 627 military or public service assignment away from Florida.

628 Section 10. This act shall take effect July 1, 2009.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1377

Supplemental Educational Services

SPONSOR(S): Dorworth

TIED BILLS:

IDEN./SIM. BILLS: SB 2538

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee		Duncan <i>pdd</i>	Ahearn <i>ma</i>
2)	Education Policy Council			
3)	PreK-12 Appropriations Committee			
4)	Full Appropriations Council on Education & Economic Development			
5)				

SUMMARY ANALYSIS

Under the provisions of the federal No Child Left Behind Act, low-income families can enroll their child in supplemental educational services if their child attends a Title I school that has been designated by the state to be in need of improvement for more than one year. The term "supplemental educational services" (SES) refers to free extra academic help, such as tutoring or remedial help, that is provided to students in subjects such as reading, language arts, and math.

Current state law requires the Department of Education (DOE) to assign a grade of "A," "B," "C," "D," or "F" to each state-approved SES provider based on a combination of learning gains and student proficiency levels as measured by the statewide assessment test. The bill requires the DOE to assign a service designation to each state-approved SES provider, rather than a grade; i.e., excellent, satisfactory, or unsatisfactory for the prior school year. A service designation cannot be assigned to a state-approved SES provider if the student population served by the SES provider does not meet the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student information.

The State Board of Education must specify, in rule, the threshold requirements for assigning the service designations. By July 1 of each year, the DOE must report the service designations to the SES providers, school districts, parents, and the public.

The bill also requires school districts to, by May 1 of each year, provide the following information to the DOE:

- Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.
- Student attendance and completion data provided to the district by each SES provider.
- Parent satisfaction survey results.
- School district satisfaction survey results.
- Principal satisfaction survey results.

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet these requirements.

See FISCAL COMMENTS section of this 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:

Present Situation

No Child Left Behind Act (NCLB)

Federal law sets forth specific testing requirements for public school students. Testing that is performed pursuant to federal law is used to measure whether states and schools are making "adequate yearly progress" (AYP) toward state student proficiency goals under the federal Title I requirements. The definition of AYP is established by the state's educational agency within the parameters of NCLB's requirements. The determination of AYP must be based on academic assessments.¹ In Florida, the Department of Education (DOE) sets the standards for AYP of all public elementary and secondary schools, local educational agencies, and of the state itself.

A school that fails to make AYP for two consecutive years is designated as "in need of improvement" and must develop a school improvement plan and provide students with the option of transferring to another school that is not "in need of improvement." The following table outlines the consequences for Title I schools that fail to make AYP over a period of years:

Consequences for Title I Schools Not Making AYP Year Consequences²

Year	Consequences
Year 1 Not Making AYP	No consequences for Year 2.
Year 2 Not Making AYP	Must offer all students choice with transportation.
Year 3 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students.
Year 4 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students and implement corrective action.
Year 5 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students and plan for restructuring.

¹ 20 U.S.C. s. 6311(b)(2).

² <http://www.fldoe.org/faq/default.asp?ALL=Y&Dept=307&ID=831>, Florida Department of Education, Bureau of Student Assistance.

Supplemental Education Services (SES)

Low-income families can enroll their child in supplemental educational services if their child attends a Title I school that has been designated by the state to be in need of improvement for more than one year. The term "supplemental educational services" refers to free extra academic help, such as tutoring or remedial help, that is provided to students in subjects such as reading, language arts, and math. This extra help can be provided before or after school, on weekends, or in the summer.³

Each state education agency is required to identify organizations that qualify to provide these services. Districts must make a list available to parents of state-approved SES providers in the area and must let parents choose the provider that will best meet the educational needs of the child. Providers of SES may include nonprofit entities, for-profit entities, local educational agencies, public schools, public charter schools, private schools, public or private institutions of higher education, and faith-based organizations.⁴

Within the last two years, the Government Accountability Office (GAO) conducted two reviews of the supplemental education services program and reported the following:

- Nationally, the SES participation increased substantially from 12 percent of eligible students receiving services in school year 2003-2004 to 19 percent in 2004-2005.
- District actions to increase participation have included greater efforts to notify parents. However, timely and effective notification of parents remains a challenge, as does attracting providers to serve certain areas and students, such as rural districts and students with disabilities.
- While states' monitoring of district and provider efforts to implement the program had been limited in past years, more states reported conducting on-site reviews and other monitoring activities during 2005-2006.
- Districts also increased their oversight role.
- Many states continue to struggle with how to evaluate whether providers are improving student achievement.
- While a few states have completed evaluations, none provides a conclusive assessment of SES providers' effect on student academic achievement.⁵

The report recommended that the U.S. Department of Education clarify guidance and provide information on promising practices, consider expanding flexibility and clarifying state authority, collect information on district SES expenditures, and provide evaluation assistance. Since the GAO's report was published, the U.S. Department of Education has taken several actions to improve SES implementation and monitoring, such as disseminating practices and guidance, and meeting with states, districts, and providers.⁶

The Department of Education's responsibilities in providing SES include, but are not limited to, the following:

- Identify schools that must offer SES.
- Request and review provider applications.
- Maintain list of approved providers.
- Monitor provider performance and report results.⁷

³ <http://www.ed.gov/nclb/choice/help/ses/description.html>, U.S. Department of Education, Description of Educational Services (Last visited March 13, 2009).

⁴ *Id.*

⁵ <http://www.gao.gov/products/GAO-07-738T>, U.S. Government Accountability Office, No Child Left Behind Education Actions May Help Improve Implementation and Evaluation of Supplemental Educational Services, Report GAO-07-738T, April 18, 2007.

⁶ *Id.*

⁷ <http://www.fldoe.org/flbpos/nclbchoice/ses/responsibilities.asp>, Florida Department of Education, Bureau of Student Assistance, Role & Responsibilities.

A list of approved providers is available online and includes information on the type of instruction available, the cost of services, grade levels served, and location of services.⁸ The DOE also maintains an online list of schools in need of improvement whose students would be eligible for these services.⁹

A state-approved SES provider can be removed from the approved list for one or more of the following reasons:

- The failure to deliver services.
- The failure to contribute to increasing the academic proficiency of students for two consecutive years.
- When the DOE determines that the matter is of such a magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility application requirements, and the failure to comply with the requirements for providers.¹⁰

In 2008, the Legislature required the DOE to assign a grade of "A," "B," "C," "D," or "F" to each state-approved SES provider based on a combination of learning gains and student proficiency levels as measured by the statewide assessment and norm-referenced tests approved by the DOE for students in kindergarten through grade 3.¹¹

This requirement has not been implemented for at least two reasons. First, the Florida Comprehensive Assessment Test (FCAT) scores are only available for students in grades 3-10¹² and in 2004-2005 and 2005-2006 approximately 70% of all students served in SES were in kindergarten-grade 3.¹³ Second, SES providers spend a limited amount of time with students since, by law, SES providers are permitted to provide extra help to students before or after school, on weekends, or during the summer.¹⁴ Therefore, assigning a grade based solely on learning gains and student proficiency levels raised concerns.

Effect of Proposed Changes

The bill requires the DOE to assign a service designation to state-approved SES providers, rather than a grade as provided in current law. The DOE must evaluate each state-approved SES provider and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. A service designation cannot be assigned if the student population served by the SES provider does not meet the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student information.

The State Board of Education must specify, in rule, the threshold requirements for assigning the service designations. By July 1 of each year, the DOE must report the service designations to the SES providers, school districts, parents, and the public.

The bill also requires school districts to provide, by May 1 of each year, the following information to the DOE:

- Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.¹⁵

⁸ <http://data.fldoe.org/ses/search/>, Florida Department of Education, Bureau of Student Assistance, List of Approved SES Providers 2008-2009 school year.

⁹ http://www.fldoe.org/flbpos/nclbchoice/ses/ses_title1.asp, Florida Department of Education, Bureau of Student Assistance, Title I School Lists.

¹⁰ Rule 6A-1.039, F.A.C.

¹¹ Chapter 2008-171, L.O.F. (Committee Substitute for SB 1414).

¹² s. 1008.22, F.S

¹³ Department of Education, Analysis of SB 1414 (2008 Legislative Session) similar to HB 1377.

¹⁴ See *supra* note 3.

¹⁵ The Sunshine State Standards establish the core content of the curricula to be taught in Florida and specify the core content knowledge and skills that Kindergarten through grade 12 public school students are expected to acquire. See s. 1003.41(1), F.S.

- Student attendance and completion data provided to the district by each SES provider.
- Parent satisfaction survey results.
- School district satisfaction survey results.
- Principal satisfaction survey results.

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet these requirements.¹⁶

B. SECTION DIRECTORY:

Section 1: Amends s. 1008.331, F.S., relating to supplemental educational services in Title I schools; school district, provider, and department responsibilities.

Section 2: Provides an effective date of July 1, 2009.

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:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet the requirements of this act.

DOE Comment:

The student learning gains and the student attendance and completion data collection is projected to add three data elements to what is collected now for each student who receives Title I Supplemental Educational Services. The cost to each district to add these elements are estimated to cost \$1,500 - \$2,100 for each of the three data elements. Therefore, the cost for 67 school districts and 4

¹⁶ The purpose of Title I of the Elementary and Secondary Education Act (20 U.S.C. 6301 et. seq.) is to improve the academic achievement of disadvantaged children. Title I funds are used to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. See <http://www.ed.gov/programs/titleiparta/index.html>, U.S. Department of Education, Student Achievement and School Accountability Programs.

developmental research (lab) schools lab schools is estimated to cost \$319,500 - \$447,300.¹⁷

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill 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 State Board of Education must specify, in rule, the threshold requirements for assigning the SES provider designations.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DOE Comments:

DOE has not assigned grades to providers due to the limitations of the current statutory requirements. The amended statute provides for a more valid and reliable methodology for evaluating SES providers and removes the "high-stakes" nature of assigning grades to SES providers.

The DOE has designed an accountability model for state-approved supplemental educational services (SES) providers based on compliance, monitoring, and data analysis. To ensure compliance with state and federal requirements, the DOE has developed a rigorous provider approval process consistent with the No Child Left Behind Act requirements. The DOE approved 219 providers to serve students in Florida for the 2007-08 school year. Approximately, 70,000 students participated in SES programs during the 2006-07 school year.¹⁸

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.

¹⁷ Department of Education, Analysis of HB 1377, March 15, 2009.

¹⁸ *Id.*

1 A bill to be entitled
 2 An act relating to supplemental educational services;
 3 amending s. 1008.331, F.S.; requiring each school district
 4 to report to the Department of Education information
 5 regarding certain supplemental educational services
 6 providers; requiring the department to evaluate each
 7 state-approved provider and assign a service designation;
 8 providing an exception; requiring rulemaking and reporting
 9 relating to service designations; authorizing the use of
 10 certain funds; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) of section 1008.331, Florida
 15 Statutes, is amended to read:

16 1008.331 Supplemental educational services in Title I
 17 schools; school district, provider, and department
 18 responsibilities.--

19 (5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.--

20 (a) By May 1 of each year, each school district must
 21 report to the department, on the form prescribed by the
 22 department, the following information regarding each
 23 supplemental educational services provider that provides service
 24 to public school students in the district:

25 1. Student learning gains as demonstrated by mastery of
 26 applicable benchmarks or access points set forth in the Sunshine
 27 State Standards.

28 2. Student attendance and completion data provided to the
 29 district by each provider.

30 3. Parent satisfaction survey results.

31 4. School district satisfaction survey results.

32 5. Principal satisfaction survey results.

33 (b) The department shall evaluate each state-approved
 34 provider using the information received pursuant to paragraph
 35 (a) and assign a service designation of excellent, satisfactory,
 36 or unsatisfactory for the prior school year. However, if the
 37 student population served by the provider does not meet the
 38 minimum sample size necessary, based on accepted professional
 39 practice for statistical reliability and prevention of the
 40 unlawful release of personally identifiable student information,
 41 the department may not assign the provider a service
 42 designation. The State Board of Education shall specify, in
 43 rule, the threshold requirements for assigning the service
 44 designations. By July 1 of each year, the department must report
 45 the service designations to the supplemental educational
 46 services providers, the school districts, parents, and the
 47 public.

48 (c) School districts may use Title I, Part A funds to meet
 49 the requirements of this subsection, as provided in the
 50 Elementary and Secondary Education Act, as amended.

51 ~~(a) The Department of Education shall assign to each~~
 52 ~~state approved supplemental educational services provider one of~~
 53 ~~the following grades, defined according to rules of the State~~
 54 ~~Board of Education:~~

55 ~~1. "A," providing superior service.~~

56 2. ~~"B," providing above satisfactory service.~~

57 3. ~~"C," providing satisfactory service.~~

58 4. ~~"D," providing below satisfactory service.~~

59 5. ~~"F," providing unsatisfactory service.~~

60 ~~(b) A state approved supplemental educational services~~
 61 ~~provider's grade shall be based on a combination of student~~
 62 ~~learning gains and student proficiency levels, as measured by~~
 63 ~~the statewide assessment pursuant to s. 1008.22, and norm-~~
 64 ~~referenced tests approved by the Department of Education for~~
 65 ~~students in kindergarten through grade 3.~~

66 ~~(c) Beginning with the 2007-2008 school year, the~~
 67 ~~Department of Education shall assign a grade to each state-~~
 68 ~~approved supplemental educational services provider and by March~~
 69 ~~1 report the grades to the supplemental educational services~~
 70 ~~providers, the school districts, parents, and the public.~~

71 Section 2. This act shall take effect July 1, 2009.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

Bill No. 1377

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 Dorworth offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line 71 and insert:

6 (6) RULES.—

7 (a) The State Board of Education shall may adopt rules
8 pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section and may enforce the provisions of
10 this section pursuant to s. 1008.32.

11 (b) Agency rules shall include an internal complaint
12 procedure to resolve disputes regarding the state approval
13 process, termination of state approval, and assignment of a
14 service designation. The internal complaint procedure shall
15 afford an informal review by a hearing officer employed by the
16 department and, if requested, a formal review by a hearing
17 officer employed by the department who shall recommend a
18 resolution of the dispute to the Commissioner of Education. The
19 internal complaint procedure is exempt from the provisions of
20 chapter 120. The decision of the Commissioner of Education
21 constitutes final agency action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 001

22 Section 2. This act shall take effect July 1, 2009.

23

24

25

26

D I R E C T O R Y A M E N D M E N T

27

Remove line(s) 14-15 and insert:

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Section 1. Subsections (5) and (6) of section 1008.331,

29

Florida Statutes, are amended to read:

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

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Remove line 10 and insert:

35

certain funds; requiring rulemaking to include a review process;

36

providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1411

Education Personnel

SPONSOR(S): Stargel

TIED BILLS:

IDEN./SIM. BILLS: SB 2458

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee		Duncan <i>add</i>	Ahearn <i>pr</i>
2)	Education Policy Council			
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

This bill creates the "Quality Teacher for All Students Act" and:

- Changes the contractual requirements for instructional employees hired beginning July 1, 2009.
- Revises the current assessment system and establishes an appraisal system and revises the appraisal procedures and criteria for instructional, administrative, and supervisory personnel.
- Adds successful completion of a professional education training program provided by Teach for America and achievement of a passing score on the professional education competency examination required by rule by the State Board of Education (SBE) as an option for demonstrating professional education competence.
- Requires the Department of Education to annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers; and report by school district the number of classroom teachers whose students' declining academic performance indicates educational insufficiency.
- Directs the SBE to adopt by rule the Florida Educator Accomplished Practices, which forms the basis for the state's expectations for effective instructional practice. The Commissioner of Education must periodically review the Florida Educator Accomplished Practices based on contemporary educational research and analysis of student performance data and include associations representing teachers, principals, superintendents, and school boards.

The sponsor has filed a strike all amendment that is substantially similar to the bill.

See the FISCAL COMMENTS section of this 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:

The bill creates the "Quality Teacher (sic) for All Students Act."

Teacher Preparation Programs

Current Law

The State Board of Education (SBE) is required to attain a system for development and approval of teacher preparation programs that allows postsecondary teacher preparation institutions to utilize varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals.¹

Effect of Proposed Changes

The bill provides that by March 1, 2010, and biennially thereafter, the Department of Education (DOE) must report to the SBE on the effectiveness of the graduates of state-approved teacher preparation programs. The report must include an analysis of the public school learning gains on statewide assessments² by students who were taught by graduates of each state-approved teacher preparation program.

Educator Certification Requirements

Current Law

Classroom teachers and other public school employees serving in an instructional capacity must be certified.³ In addition to meeting other certification requirements, teachers must demonstrate mastery in three areas: general knowledge, subject area knowledge, and professional preparation and education competence.⁴

¹ Section 1004.04, F.S.

² The statewide program of educational assessment is titled the Florida Comprehensive Assessment Test and measures student achievement of the Sunshine State Standards in reading, writing, mathematics, and science. *See* s. 1008.22, F.S.

³ Section 1012.55(1), F.S.

⁴ Section 1012.56(2)(g)-(i), (3), (5), & (6), F.S.

The traditional way that teachers demonstrate professional preparation is through completion of a teacher preparation program offered by a college or university.⁵ Additional options for demonstrating professional education competence include:

- Holding a valid professional standard teaching certificate issued by another state.
- Holding a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE.
- Documenting two semesters of successful teaching at a college or university that awards an associate or higher degree and is an accredited institution of higher education.
- Completing professional preparation courses specified in rules adopted by the SBE.⁶

Effect of Proposed Changes

The bill adds successful completion of a professional education training program provided by Teach for America⁷ and achievement of a passing score on the professional education competency examination required by rule by the SBE as an option for demonstrating professional education competence.

As a means of demonstrating mastery of professional preparation and education competence through the completion of professional preparation courses, the bill authorizes the SBE to adopt rules to allow a person to use his or her teaching experience as a military instructor to verify occupational teaching experience for the same number of years of instruction provided in one of the branches of the United States Armed Forces. To demonstrate the completion of certification requirements the SBE is authorized to allow for the acceptance of college course credits recommended by the American Council on Education.⁸

Contracts for Instructional Employees

Current Law

Instructional employees hired on or after July 1, 1984, are classified as probationary employees. This probationary period lasts 3 years and may be extended to 4 years if the district school board and the employee have so agreed in writing. Each year of service is pursuant to an annual contract. The 3 years probation must be completed in the same school district during a period of time not in excess of 5 successive years, except for leave duly authorized and granted. An employee's annual contract is not required to be renewed during the probationary period of service.⁹

For instructional staff employed after June 30, 1997, the initial 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.¹⁰

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, 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 SBE rule.¹¹

After an employee has completed the probationary period, that employee can then receive a professional service contract – provided he or she is recommended by the district school

⁵ See § 1012.56(6)(a) & (b), F.S.

⁶ Section 1012.56 (6)(c)-(f), F.S. See Rule 6A-4.006, F.A.C.

⁷ Teach for America is the national corps of recent college graduates and professionals of all academic majors and career interests who commit two years to teach in urban and rural public schools. See <http://www.teachforamerica.org/about/index.htm>

⁸ The American Council on Education is a higher education organization and a coordinating body for all the nation's higher education institutions. See http://www.acenet.edu/AM/Template.cfm?Section=About_ACE

⁹ Section 1012.33, F.S.

¹⁰ *Id.*

¹¹ Section 1012.33(1)(a), F.S. and Rule 6B-4.009, F.A.C.

superintendent for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.¹² A professional service contract must be renewed each year unless the district school superintendent charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies.¹³

Effect of Proposed Changes

The bill changes the contractual requirements for instructional employees hired beginning July 1, 2009.

A new employee will receive a probationary contract. A probationary contract is defined as a contract for a period of no longer than 1 school year in which an employee may be dismissed without cause or may resign from the contractual position without breach of contract (in contrast to the 97-day period, as is current law).

After successful completion of the term of the probationary contract, the employee is then eligible for an annual contract. An annual contract is defined as a contract for a period of no longer than 1 school year which the district school board can choose to renew or not renew without cause.

If an employee successfully completes no fewer than 10 annual contracts in the same school district during a period of time not in excess of 15 successive years, except for leave duly authorized and granted, then he or she is eligible for a professional performance contract (in contrast to the 3 annual contracts required within 5 successive years to receive a professional service contract, as is current law).

A professional performance contract is defined as a contract for a period of not longer than 5 school years which the district school board can choose to renew or not renew without cause (in contrast to a professional service contract which must be renewed, unless the employee is charged with unsatisfactory performance, as is current law). A professional performance contract may only be offered by a district school board to a teacher whose performance is satisfactory after a cumulative review of the teacher's effectiveness in the classroom based on objective student learning gains.

A district school board may issue a professional performance contract after July 1, 2009, to any employee who has previously held a professional performance contract, a professional service contract, or a continuing contract¹⁴ in the same or another school district within this state. Any employee who holds a professional service contract or a continuing contract may, but is not required to, exchange such contract for a professional performance contract in the same district.¹⁵

The bill provides that any person employed on the basis of a written offer of a specific position by a duly authorized agent of the district school board for a stated term of service at a specified salary, who accepted such offer by telegram or letter or by signing the regular contract form, and who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement by the district school board of the district in which the person is employed will be subject to the jurisdiction of the Education Practices Commission. The district school board must take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education. This exact same provision is found in current law with regard to the type of contracts currently entered into by the district school boards.¹⁶

¹² Section 1012.33((3)(a)3., F.S.

¹³ Section 1012.33(3)(e), F.S.

¹⁴ Continuing contracts are no longer issued. Instructional staff employed prior to July 1, 1984, could receive continuing contracts, provided the law and rule requirements at the time were met. *See* s. 1012.33(3)(a), F.S.

¹⁵ A similar provision exists in current law with regard to a professional service contract and a continuing contract: "A district school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district." *See* s. 1012.33(3)(d), F.S.

¹⁶ Section 1012.33(2), F.S.

The bill provides that instructional employees with an annual contract or a professional performance contract may be suspended or dismissed at any time during the term of the contract for just cause. Like current law,¹⁷ just cause includes: 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 of guilt, any crime involving moral turpitude. The bill adds an additional cause for termination or suspension: educational insufficiency. The SBE must, by rule, define the term "educational insufficiency," which must be based upon multiyear, objective data on declines in student performance.

Under both the annual contract and the professional performance contract, the bill requires that the district school board notify the employee in writing whenever charges are made against the employee and allows the district to suspend that employee without pay. However, if the charges are not sustained, the employee must be immediately reinstated and his or her back salary must be paid. This same provision exists in current law with respect to instructional employees under contract.¹⁸

The bill further provides, with respect to charges brought against an employee under a professional performance contract, that if the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing to the district school board. The district school board must choose between the following 2 options with regard to how the hearing is conducted:

- The hearing is conducted by the district school board within 60 days after receipt of the written appeal. The hearing must be conducted in accordance with the requirements of Chapter 120, F.S., governing administrative procedures, more particularly, sections 120.569 and 120.57, F.S.¹⁹ A majority vote of the membership of the district school board is required to sustain the district school superintendent's recommendation. The determination of the district school board is final with regard to the sufficiency or insufficiency of the grounds for termination of employment; or
- The hearing is conducted by an administrative law judge assigned by the Division of Administrative Hearing. The hearing has to be conducted within 60 days after receipt of the written appeal, in accordance with Chapter 120, F.S. The recommendation of the administrative law judge is made to the district school board. A majority vote of the membership of the district school board is required to sustain or change the administrative law judge's recommendation. The determination of the district school board is final as to the sufficiency or insufficiency of the grounds for termination of employment.

The above-described hearing options are the exact same options currently available for an employee who holds a professional service contract as of July 1, 1997.²⁰

The bill further provides that any decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, F.S.,²¹ if the appeal is filed within 30 days after the decision of the district school board. This is current law as a result of the express, stand-alone provisions in s. 120.68, F.S.

¹⁷ Section 1012.33(1)(a), F.S.

¹⁸ Section 1012.33(6)(a), F.S. This section does not, however, apply to continuing contract employees – staff hired before July 1, 1984—because a separate section of law applies to those persons; i.e., s. 1012.33(4), F.S.

¹⁹ Section 120.569, F.S., deals with decisions which affect substantial interests and section 120.57, F.S., addresses procedures applicable to hearings involving disputed issues of material fact and hearings that do not involve disputed issues of material fact.

²⁰ Section 1012.33(3)(f)4., F.S.

²¹ Section 120.68, F.S., sets forth the process and requirements for judicial review of a case brought by a party adversely affected by final agency action. Judicial review is at the appellate district level (not circuit level) and notice of appeal must occur within 30 days after the rendition of the order being appealed. See s. 120.68 (2)(a), F.S.

Differentiated Pay

Current Law

Current law provides for the compensation and salary schedules of public school personnel and provides the requirements that the district school board must abide by in the determination and the development of the salary schedule.²² Each district school board must adopt a salary schedule with differentiated pay for both school-based administrators and instructional personnel. The adopted salary schedule is subject to negotiation and must allow school administrators and instructional personnel to receive differentiated pay based upon a number of district-determined factors, including, but not limited to, additional responsibilities, school demographics, level of job performance difficulties, and critical shortage areas.²³

Effect of Proposed Changes

The bill provides the following reporting requirements regarding compensation and salary:

- Each district school board must annually report to the DOE on its differentiated pay policy in the manner and format prescribed by the DOE.
- The DOE must annually notify the President of the Senate and the Speaker of the House of Representatives of any school district that does not comply with these reporting requirements.

Assignment of Teachers

Current Law

In 2006, the Legislature determined that there is a disparity in the qualifications of teachers assigned to teach in a school with a grade of "A" versus those that are assigned to teach in a school with a grade of "F." This disparity can be found in the average years of experience, number of out-of field teachers, median salary, and teacher performance on certification examinations.²⁴

Current law prohibits school districts from assigning a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that are graded "D" or "F" or schools with above school district average of minority and economically disadvantaged students. Each school district must certify to the Commissioner of Education that it has assigned teachers equitably. The commissioner must then notify the SBE if a school district is found not in compliance and the SBE may then exercise its power²⁵ to enforce school district compliance.²⁶

Effect of Proposed Changes

The bill requires the DOE to: 1) annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers; and 2) report to the President of the Senate and the Speaker of the House of representatives of any school district that does not comply with the provisions.

²² Section 1012.22(1)(c), F.S.

²³ *Id.*

²⁴ Section 1012.2315, F.S. *See* chapter 2006-74, L.O.F.

²⁵ Section 1008.32, F.S. The State Board of Education is required to oversee the performance of district school boards and community college boards of trustees in the enforcement of all laws and rules.

²⁶ Section 1012.2315, F.S.

Assessment System and Criteria

Current Law

To improve the quality of instructional, administrative, and supervisory personnel, school district superintendents are required to establish procedures to assess the performance of the duties and responsibilities of all school district employees. The DOE must approve each school district's personnel assessment system.²⁷ The following conditions must be considered in the design of the 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.
- The 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.²⁸

For instructional personnel, the performance of students assigned to their classroom is the basis of the assessment procedure. The annual assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually²⁹ and may consider results of peer reviews in evaluating an employee's performance. Student performance must be measured by state assessments and by local assessments for subjects and grade levels not measured by the state assessment program.³⁰ The 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 SBE and policies of the district school board.³¹

²⁷ Section 1012.34(1), F.S.

²⁸ Section 1012.34(2), F.S.

²⁹ The state's assessment program for public schools is the Florida Comprehensive Assessment Test. *See s. 1008.22, F.S.*

³⁰ Section 1012.34(3), F.S.

³¹ Section 1012.34(3)(a), F.S.

Effect of Proposed Changes

The bill replaces the “assessment system” with an “appraisal system” and revises the appraisal procedures and criteria for instructional, administrative, and supervisory personnel. The bill clarifies that the purpose of an appraisal is to increase student achievement by providing quality instructional personnel.

The bill modifies the conditions that must be considered in the design of an instructional personnel appraisal system by adding that school districts must include a process for determining the professional education competence of a teacher that holds a temporary certificate.³² A condition is added to this provision requiring the appraisal system to include a process for monitoring the effective and consistent use of appraisal criteria by supervisors and administrators and a process for evaluating the effectiveness of the system itself in improving the level of instruction and learning in the district’s schools.

Appraisals must occur annually; however, each first year teacher must have an appraisal twice a year. This will ensure that the principal and the teacher are clear about expectations and will permit the teacher to receive feedback on his or her performance. The appraisal criteria are revised to provide that such criteria must include, but are not limited to, the following:

- Performance of students. The appraisal must primarily use data and indicators of improvement in student performance assessed annually and by district-determined assessments for subjects and grade levels not measured by the state assessment program.
- Instructional practice. For instructional personnel, performance criteria must include indicators based on each of the Florida Educator Accomplished Practices adopted by the SBE.
- Instructional leadership. For school-based administrators, performance criteria must include indicators based on each of the leadership standards adopted by the SBE.³³
- Professional responsibilities. Such criteria must include professional responsibilities and employment requirements as established by the SBE and through policies of the school district board.

The bill conforms the provisions regarding the appraisal system, procedures, and criteria to the provisions applicable to classroom teachers hired on or after July 1, 2009, and who hold a professional performance contract.

Teacher Quality

Current Law

The Legislature intends to implement a comprehensive approach to increase students’ academic achievement and improve teaching quality.³⁴ To this end, the Legislature has identified the abilities of effective educators.

The Florida Educator Accomplished Practices is prepared by the Bureau of Educator Recruitment, Development, and Retention within the DOE and establishes the competencies for teachers at three benchmark levels: Preprofessional, Professional, and Accomplished.³⁵

³² Classroom teachers and other public school employees serving in an instructional capacity must be certified. The professional certificate is the highest type of full-time educator certification. It is valid for 5 years and is renewable. The temporary certificate is valid for 3 school fiscal years and is nonrenewable. The DOE also issues a nonrenewable temporary certificate that is valid for 2 school fiscal years for an applicant that holds a bachelor’s degree in speech-language impairment. *See* s. 1012.55(1), F.S., s. 1012.56(7), F.S., Rule 6A-4.004(1)(a), F.A.C., and Rule 6A-4.004(3)(a), F.A.C.

³³ The William C. Golden Professional Development Program for School Leaders provides high standards and sustained support for principals as instructional leaders. *See* s. 1012.986, F.S.

³⁴ Section 1012.52, F.S.

³⁵ <http://www.fldoe.org/dpe/publications.asp>

Effect of Proposed Changes

The bill directs the SBE to adopt by rule the Florida Educator Accomplished Practices, which forms the basis for the state's expectations for effective instructional practice. The Commissioner of Education must periodically review the Florida Educator Accomplished Practices based on contemporary educational research and analysis of student performance data and include associations representing teachers, principals, superintendents, and school boards. The commissioner must submit the revised practices and supporting evaluation information to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 21 days before the SBE considers adoption of the revised practices.

Professional Development

Current Law

School Community Professional Development Act

The School Community Professional Development Act directs the DOE, public post secondary educational institutions, public school districts, public schools, and professional organizations to establish a coordinated system of professional development which must:

- Support and increase the success of educators through collaboratively developed school improvement plans.
- Assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels and to participate as active learners and that prepare students for success as subsequent education levels and the workforce.
- Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.³⁶

William Cecil Golden Professional Development Program for School Leaders

The William Cecil Golden Professional Development Program for School Leaders was established to provide high standards and sustained support for principals as instructional leaders. The program is required to consist of a collaborative network of state and national professional leadership organizations to respond to statewide instructional leadership needs.³⁷

Effect of Proposed Changes

The bill includes an organization of approved Voluntary Prekindergarten Education Program providers with no fewer than 10 members under the School Community Professional Development Act for the development of a professional development system and program for demonstrating professional education competence.

The bill provides that the leadership standards adopted under the William Cecil Golden Professional Development Program for School Leaders must focus on instructional leadership and include the ability to:

- Identify and promote effective instruction.
- Recruit and retain high-performing instructional personnel.
- Manage resources so as to maximize their use for improving student achievement.

³⁶ Section 1012.98, F.S.

³⁷ Section 1012.986, F.S.

The DOE must offer the program through state-approved educational leadership programs in public and nonpublic colleges and universities.

Computer Database of Certain Persons Whose Employment Was Terminated

Current Law

The DOE is required to establish a computer database containing the names of persons whose employment is terminated. This information must be available to school district superintendents and their designees.

Effect of Proposed Changes

The bill requires the DOE to annually report by school district:

- The number of classroom teachers whose students' declining academic performance indicates educational insufficiency. The SBE must adopt rules to define educational insufficiency, which must be based on multiyear, objective data on declines in student performance.
- The number of teacher dismissals initiated based on educational insufficiency as defined by state board rule and the number of the initiated dismissals that resulted in termination.

Confidentiality of Reports and Records in Cases of Child Abuse or Neglect

Current Law

To protect the rights of the child, the child's parents or other persons responsible for the child's welfare, all records held by the Department of Children and Family Services (DCF) concerning reports of child abandonment, abuse, or neglect are confidential and exempt from inspection, copying, and photographing³⁸ and are prohibited from being disclosed except if specifically authorized by law. However, the DCF is required to release such reports and records to specific persons, officials, and agencies.³⁹

Effect of Proposed Changes

The bill includes employees or agents of the DOE and school district employees responsible for the investigation or prosecution of misconduct by certified educators as a person or, official required to be granted access to child abandonment, abuse, or neglect records and reports held by the DCF.

Cross-References and Conforming Provisions

Several provisions in the bill are conforming provisions to reflect the provisions establishing the contracts required for instructional personnel hired on or after July 1, 2009, and the appraisal system. The bill also corrects statutory cross-references.

B. SECTION DIRECTORY:

Section 1: Creates the "Quality Teacher for All Students Act."

Section 2: Amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse and neglect.

³⁸ Current law provides that every person who has custody of a public record must permit the record to be inspected and examined by any person, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record. Unless specifically exempted, all agency records are to be available for public inspection. *See* s. 119.07(1)(a), F.S.

³⁹ Section 39.202, F.S.

Section 3: Amends s. 120.81, F.S., relating to exceptions and special requirements; and general areas, to conform the section to the provisions regarding contracts with classroom teachers hired on or after July 1, 2009.

Section 4: Amends s. 1002.36, F.S., relating to the Florida School for the Deaf and Blind, to conform the section to the provisions regarding the appraisal system for instructional personnel and contracts with classroom teachers hired on or after July 1, 2009.

Section 5: Amends s. 1003.62, F.S., relating to academic performance-based charter school districts, to conform the section to the provisions regarding the appraisal system for instructional personnel and professional performance contracts with classroom teachers hired on or after July 1, 2009.

Section 6: Amends s. 1003.621, relating to academically high-performing school districts, to conform the section to the provisions regarding the appraisal system for instructional personnel and professional performance contracts with classroom teachers hired on or after July 1, 2009.

Section 7: Amends s. 1004.04, F.S., relating to public accountability and state approval for teacher preparation programs.

Section 8: Amends s. 1012.21, F.S., relating to Department of Education duties; and K-12 personnel.

Section 9: Amends s. 1012.22, F.S., relating to public school personnel; powers and duties of the district school board.

Section 10: Amends s. 1012.2315, F.S., relating assignment of teachers.

Section 11: Amends s. 1012.28, F.S., relating public school personnel; and duties of school principals.

Section 12: Creates s. 1012.335, F.S., relating to contracts with classroom teachers hired on or after July 1, 2009.

Section 13: Amends s. 1012.34, F.S., relating to appraisal procedures and criteria.

Section 14: Amends s. 1012.52, F.S., relating to teacher quality; legislative findings, and Florida Educator Accomplished Practices.

Section 15: Amends s. 1012.56, F.S., relating to Educator certification requirements.

Section 16: Amends s. 1012.795, F.S., relating to the Education Practices Commission,

Section 17: Amends s. 1012.98, F.S., relating to the School Community Professional Development Act.

Section 18: Amends s. 1012.986, F.S., relating to the William C. Golden Professional Development Program for School Leaders.

Section 19: Repeals s. 1012.33(3)(g), F.S., to reflect the establishment of the new contract provisions for instructional personnel hired on or after July 1, 2009.

Section 20: Provides an effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This 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:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill 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 State Board of Education is granted rule-making authority to:

- Define "just cause" and "educational insufficiency", which must be based on multiyear, objective data on declines in student performance.
- Administer the compensation and salary schedules.
- Allow military experience to be used to meet the educator certification requirements.

The State Board of Education must also adopt by rule the Florida Educator Accomplished Practices.

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; providing a short
 3 title; amending s. 39.202, F.S.; providing for access to
 4 records by certain Department of Education employees or
 5 agents in cases of child abuse or neglect; amending ss.
 6 120.81, 1002.36, 1003.62, and 1003.621, F.S., to conform
 7 to provisions in the act; amending s. 1004.04, F.S.;
 8 requiring the Department of Education to report on the
 9 effectiveness of graduates of state-approved teacher
 10 preparation programs; amending s. 1012.21, F.S.;
 11 conforming provisions; requiring the department to report
 12 on educational insufficiency and dismissal and termination
 13 related thereto; requiring rulemaking to define
 14 educational insufficiency; amending s. 1012.22, F.S.;
 15 deleting certain provisions relating to district school
 16 board adoption of salary schedules; requiring each
 17 district school board to report to the department on its
 18 adopted differentiated pay policy; amending s. 1012.2315,
 19 F.S.; revising department reporting requirements relating
 20 to the assignment of teachers; amending s. 1012.28, F.S.;
 21 conforming provisions; creating s. 1012.335, F.S.,
 22 relating to contracts with instructional personnel hired
 23 on or after July 1, 2009; providing intent, findings, and
 24 definitions; providing conditions for receipt of
 25 probationary, annual, and professional performance
 26 contracts; providing a penalty for violation of a
 27 contract; providing criteria and procedures for suspension
 28 or dismissal of instructional personnel on contract;

29 providing procedures for hearings to contest charges;
 30 requiring rules to define just cause; amending s. 1012.34,
 31 F.S.; revising provisions to require a school district
 32 personnel appraisal system; specifying criteria and
 33 procedures for the appraisal process; requiring approval
 34 of appraisal instruments; requiring appraisals twice a
 35 year for first-year teachers; requiring evaluation of
 36 appraisal system; conforming provisions; amending s.
 37 1012.52, F.S.; requiring the State Board of Education to
 38 adopt by rule the Florida Educator Accomplished Practices;
 39 requiring periodic review and revision of the practices;
 40 amending s. 1012.56, F.S.; correcting cross-references;
 41 authorizing Voluntary Prekindergarten Education Program
 42 providers to meet certain requirements relating to
 43 educator certification; providing additional means of
 44 demonstrating mastery of professional preparation and
 45 education competence; authorizing State Board of Education
 46 rules for acceptance of certain teaching experience and
 47 course credits; providing for retroactive application;
 48 amending s. 1012.795, F.S.; conforming provisions;
 49 amending s. 1012.98, F.S.; authorizing certain
 50 organizations, including organizations of Voluntary
 51 Prekindergarten Education Program providers, to develop a
 52 professional development system and a program for
 53 demonstration of education competence; amending s.
 54 1012.986, F.S.; specifying criteria for leadership
 55 standards under the William Cecil Golden Professional
 56 Development Program for School Leaders; authorizing the

57 | program to be offered through state-approved leadership
 58 | programs; providing an effective date.

59 |
 60 | WHEREAS, Section 1 of Article IX of the State Constitution
 61 | requires that adequate provision shall be made by law for a
 62 | uniform, efficient, safe, secure, and high-quality system of
 63 | free public schools, and

64 | WHEREAS, a high-quality system of free public schools is
 65 | one in which all students are provided with a highly effective
 66 | teacher, and

67 | WHEREAS, there is inequity in the number of out-of-field
 68 | teachers, temporarily certified teachers, or teachers in need of
 69 | improvement assigned to students in schools across the state,
 70 | and

71 | WHEREAS, research finds that the quality of the teacher is
 72 | the most important factor impacting the quality of education in
 73 | the classroom, and

74 | WHEREAS, an effective teacher can produce student learning
 75 | gains far greater than those of an ineffective teacher, and

76 | WHEREAS, the Legislature should enact policies that provide
 77 | district school superintendents and district school boards with
 78 | the flexibility to staff each school classroom with a highly
 79 | effective teacher, NOW, THEREFORE,

80 |
 81 | Be It Enacted by the Legislature of the State of Florida:

82 |
 83 | Section 1. This act may be cited as the "Quality Teacher
 84 | for All Students Act."

85 Section 2. Paragraph (r) is added to subsection (2) of
 86 section 39.202, Florida Statutes, to read:

87 39.202 Confidentiality of reports and records in cases of
 88 child abuse or neglect.--

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

93 (r) Employees or agents of the Department of Education
 94 responsible for the investigation or prosecution of misconduct
 95 by certified educators.

96 Section 3. Paragraph (i) of subsection (1) of section
 97 120.81, Florida Statutes, is amended to read:

98 120.81 Exceptions and special requirements; general
 99 areas.--

100 (1) EDUCATIONAL UNITS.--

101 (i) For purposes of s. 120.68, a district school board
 102 whose decision is reviewed under the provisions of s. 1012.33 or
 103 s. 1012.335 and whose final action is modified by a superior
 104 administrative decision shall be a party entitled to judicial
 105 review of the final action.

106 Section 4. Paragraph (g) of subsection (7) of section
 107 1002.36, Florida Statutes, is amended to read:

108 1002.36 Florida School for the Deaf and the Blind.--

109 (7) PERSONNEL SCREENING.--

110 (g) For purposes of protecting the health, safety, or
 111 welfare of students, the Florida School for the Deaf and the
 112 Blind is considered a school district and must, except as

113 otherwise provided in this section, comply with ss. 1001.03,
 114 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
 115 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

116 Section 5. Paragraph (a) of subsection (2) of section
 117 1003.62, Florida Statutes, is amended to read:

118 1003.62 Academic performance-based charter school
 119 districts.--The State Board of Education may enter into a
 120 performance contract with district school boards as authorized
 121 in this section for the purpose of establishing them as academic
 122 performance-based charter school districts. The purpose of this
 123 section is to examine a new relationship between the State Board
 124 of Education and district school boards that will produce
 125 significant improvements in student achievement, while complying
 126 with constitutional and statutory requirements assigned to each
 127 entity.

128 (2) EXEMPTION FROM STATUTES AND RULES.--

129 (a) An academic performance-based charter school district
 130 shall operate in accordance with its charter and shall be exempt
 131 from certain State Board of Education rules and statutes if the
 132 State Board of Education determines such an exemption will
 133 assist the district in maintaining or improving its high-
 134 performing status pursuant to paragraph (1)(a). However, the
 135 State Board of Education may not exempt an academic performance-
 136 based charter school district from any of the following
 137 statutes:

138 1. Those statutes pertaining to the provision of services
 139 to students with disabilities.

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140 2. Those statutes pertaining to civil rights, including s.
141 1000.05, relating to discrimination.

142 3. Those statutes pertaining to student health, safety,
143 and welfare.

144 4. Those statutes governing the election or compensation
145 of district school board members.

146 5. Those statutes pertaining to the student assessment
147 program and the school grading system, including chapter 1008.

148 6. Those statutes pertaining to financial matters,
149 including chapter 1010.

150 7. Those statutes pertaining to planning and budgeting,
151 including chapter 1011, except that ss. 1011.64 and 1011.69
152 shall be eligible for exemption.

153 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
154 differentiated pay and performance-pay policies for school
155 administrators and instructional personnel. Professional service
156 contracts shall be subject to the provisions of ss. 1012.33 and
157 1012.34. Professional performance contracts shall be subject to
158 the provisions of ss. 1012.335 and 1012.34.

159 9. Those statutes pertaining to educational facilities,
160 including chapter 1013, except as specified under contract with
161 the State Board of Education. However, no contractual provision
162 that could have the effect of requiring the appropriation of
163 additional capital outlay funds to the academic performance-
164 based charter school district shall be valid.

165 Section 6. Paragraph (h) of subsection (2) of section
166 1003.621, Florida Statutes, is amended to read:

167 1003.621 Academically high-performing school
 168 districts.--It is the intent of the Legislature to recognize and
 169 reward school districts that demonstrate the ability to
 170 consistently maintain or improve their high-performing status.
 171 The purpose of this section is to provide high-performing school
 172 districts with flexibility in meeting the specific requirements
 173 in statute and rules of the State Board of Education.

174 (2) COMPLIANCE WITH STATUTES AND RULES.--Each academically
 175 high-performing school district shall comply with all of the
 176 provisions in chapters 1000-1013, and rules of the State Board
 177 of Education which implement these provisions, pertaining to the
 178 following:

179 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 180 differentiated pay and performance-pay policies for school
 181 administrators and instructional personnel. Professional service
 182 contracts are subject to the provisions of ss. 1012.33 and
 183 1012.34. Professional performance contracts are subject to the
 184 provisions of ss. 1012.335 and 1012.34.

185 Section 7. Subsection (13) of section 1004.04, Florida
 186 Statutes, is renumbered as subsection (14), and a new subsection
 187 (13) is added to that section to read:

188 1004.04 Public accountability and state approval for
 189 teacher preparation programs.--

190 (13) REPORT.--By March 1, 2010, and biennially thereafter,
 191 the Department of Education shall report to the State Board of
 192 Education on the effectiveness of the graduates of state-
 193 approved teacher preparation programs. Specifically, the report
 194 shall include an analysis of the public school student learning

195 gains on statewide assessments, pursuant to s. 1008.22, by
 196 students who were taught by graduates of each state-approved
 197 teacher preparation program.

198 Section 8. Subsections (2) and (6) of section 1012.21,
 199 Florida Statutes, are amended to read:

200 1012.21 Department of Education duties; K-12 personnel.--

201 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
 202 WAS TERMINATED.--

203 (a) The Department of Education shall establish a computer
 204 database containing the names of persons whose employment is
 205 terminated under s. 1012.33(1)(a) or (4)(c) or under s.
 206 1012.335(6) or (7), which information shall be available to the
 207 district school superintendents and their designees.

208 (b) Each district school superintendent shall report to
 209 the Department of Education the name of any person terminated
 210 under s. 1012.33(1)(a) or (4)(c) or under s. 1012.335(6) or (7)
 211 within 10 working days after the date of final action by the
 212 district school board on the termination, and the department
 213 shall immediately enter the information in the computer records.

214 (6) REPORTING.-- The Department of Education shall
 215 annually:

216 (a) Post online links to each school district's collective
 217 bargaining contracts and the salary and benefits of the
 218 personnel or officers of any educator association which were
 219 paid by the school district pursuant to s. 1012.22.

220 (b) Report by school district the number of classroom
 221 teachers whose students' declining academic performance
 222 indicates educational insufficiency. The State Board of

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223 Education shall adopt rules pursuant to ss. 120.536(1) and
 224 120.54 to define educational insufficiency, which shall be based
 225 upon multiyear, objective data on declines in student
 226 performance.

227 (c) Report by school district the number of dismissals
 228 initiated based on educational insufficiency as defined by state
 229 board rule and the number of these dismissals that resulted in
 230 termination of instructional personnel.

231 Section 9. Paragraph (c) of subsection (1) of section
 232 1012.22, Florida Statutes, is amended to read:

233 1012.22 Public school personnel; powers and duties of the
 234 district school board.--The district school board shall:

235 (1) Designate positions to be filled, prescribe
 236 qualifications for those positions, and provide for the
 237 appointment, compensation, promotion, suspension, and dismissal
 238 of employees as follows, subject to the requirements of this
 239 chapter:

240 (c) Compensation and salary schedules.--

241 ~~1. The district school board shall adopt a salary schedule~~
 242 ~~or salary schedules designed to furnish incentives for~~
 243 ~~improvement in training and for continued efficient service to~~
 244 ~~be used as a basis for paying all school employees and fix and~~
 245 ~~authorize the compensation of school employees on the basis~~
 246 ~~thereof.~~

247 1.2. A district school board, in determining the salary
 248 schedule for instructional personnel, must base a portion of
 249 each employee's compensation on performance demonstrated under
 250 s. 1012.34, must consider the prior teaching experience of a

251 person who has been designated state teacher of the year by any
 252 state in the United States, and must consider prior professional
 253 experience in the field of education gained in positions in
 254 addition to district level instructional and administrative
 255 positions.

256 ~~2.3.~~ In developing the salary schedule, the district
 257 school board shall seek input from parents, teachers, and
 258 representatives of the business community.

259 ~~3.4. Beginning with the 2007-2008 academic year,~~ Each
 260 district school board shall adopt a salary schedule with
 261 differentiated pay for both instructional personnel and school-
 262 based administrators. The salary schedule is subject to
 263 negotiation as provided in chapter 447 and must allow
 264 differentiated pay based on district-determined factors,
 265 including, but not limited to, additional responsibilities,
 266 school demographics, critical shortage areas, and level of job
 267 performance difficulties. Each district school board shall
 268 annually report to the Department of Education on its adopted
 269 differentiated pay policy in the manner and format prescribed by
 270 the department. The department shall annually notify the
 271 President of the Senate and the Speaker of the House of
 272 Representatives of any school district that does not comply with
 273 this subparagraph.

274 Section 10. Subsection (5) of section 1012.2315, Florida
 275 Statutes, is amended to read:

276 1012.2315 Assignment of teachers.--

277 (5) REPORT.--The Department of Education shall annually:

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278 (a) Post on its Internet website the percentage of
 279 teachers by school who are first-time teachers, temporarily
 280 certified teachers, teachers in need of improvement, or out-of-
 281 field teachers.

282 (b) Report to the President of the Senate and the Speaker
 283 of the House of Representatives any school district that does
 284 not comply with this section. Schools graded "D" or "F" shall
 285 annually report their teacher retention rate. Included in this
 286 report shall be reasons listed for leaving by each teacher who
 287 left the school for any reason.

288 Section 11. Subsection (3) of section 1012.28, Florida
 289 Statutes, is amended to read:

290 1012.28 Public school personnel; duties of school
 291 principals.--

292 (3) Each school principal is responsible for the
 293 performance of all personnel employed by the district school
 294 board and assigned to the school to which the principal is
 295 assigned. The school principal shall faithfully and effectively
 296 apply the personnel appraisal assessment system approved by the
 297 district school board pursuant to s. 1012.34.

298 Section 12. Section 1012.335, Florida Statutes, is created
 299 to read:

300 1012.335 Contracts with instructional personnel hired on
 301 or after July 1, 2009.--

302 (1) LEGISLATIVE INTENT.--It is the intent of the
 303 Legislature to ensure that every student has a high-quality
 304 teacher in his or her classroom.

305 (2) FINDINGS.--The Legislature finds that:

306 (a) The quality of the teacher is the single most
 307 important factor impacting the quality of education in the
 308 state's public school classrooms.

309 (b) An effective teacher can produce student learning
 310 gains far greater than those of an ineffective teacher.

311 (c) An effective teacher can increase student learning and
 312 thereby provide the student with the potential for greater
 313 future success and higher income over a lifetime.

314 (d) District school boards need flexibility to recruit and
 315 retain high-quality instructional personnel.

316 (3) DEFINITIONS.--

317 (a) "Annual contract" means a contract for a period of no
 318 longer than 1 school year which the district school board can
 319 choose to renew or not renew without cause.

320 (b) "Probationary contract" means a contract for a period
 321 of no longer than 1 school year in which an employee may be
 322 dismissed without cause or may resign from the contractual
 323 position without breach of contract.

324 (c) "Professional performance contract" means a contract
 325 for a period of no longer than 5 school years which the district
 326 school board can choose to renew or not renew without cause. A
 327 professional performance contract may only be offered by a
 328 district school board to a teacher whose performance is
 329 satisfactory after a cumulative review of the teacher's
 330 effectiveness in the classroom based on objective student
 331 learning gains.

332 (4) EMPLOYMENT.--

333 (a) Beginning July 1, 2009, each person newly hired as a
 334 member of the instructional personnel by a Florida school
 335 district shall receive a probationary contract.

336 (b) Instructional personnel are eligible for an annual
 337 contract after successful completion of the term of a
 338 probationary contract.

339 (c) Instructional personnel are eligible for a
 340 professional performance contract after completion of no fewer
 341 than 10 annual contracts in the same school district during a
 342 period not in excess of 15 successive years, except for leave
 343 duly authorized and granted.

344 (d) A district school board may issue a professional
 345 performance contract after July 1, 2009, to any employee who has
 346 previously held a professional performance contract, a
 347 professional service contract, or a continuing contract in the
 348 same or another school district within this state. Any employee
 349 who holds a professional service contract or a continuing
 350 contract may, but is not required to, exchange such contract for
 351 a professional performance contract in the same district.

352 (5) VIOLATION OF CONTRACT.--Any person employed on the
 353 basis of a written offer of a specific position by a duly
 354 authorized agent of the district school board for a stated term
 355 of service at a specified salary, who accepted such offer by
 356 telegram or letter or by signing the regular contract form, and
 357 who violates the terms of such contract or agreement by leaving
 358 his or her position without first being released from his or her
 359 contract or agreement by the district school board of the
 360 district in which the person is employed shall be subject to the

361 jurisdiction of the Education Practices Commission. The district
 362 school board shall take official action on such violation and
 363 shall furnish a copy of its official minutes to the Commissioner
 364 of Education.

365 (6) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON
 366 ANNUAL CONTRACT.--Any member of the instructional personnel with
 367 an annual contract may be suspended or dismissed at any time
 368 during the term of the contract for just cause as provided in
 369 subsection (8). The district school board must notify the
 370 employee in writing whenever charges are made against the
 371 employee and may suspend such person without pay. However, if
 372 the charges are not sustained, the employee shall be immediately
 373 reinstated and his or her back salary shall be paid.

374 (7) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON
 375 PROFESSIONAL PERFORMANCE CONTRACT.--Any member of the
 376 instructional personnel with a professional performance contract
 377 may be suspended or dismissed at any time during the term of the
 378 contract for just cause as provided in subsection (8). The
 379 district school board must notify the employee in writing
 380 whenever charges are made against the employee and may suspend
 381 such person without pay. However, if the charges are not
 382 sustained, the employee shall be immediately reinstated and his
 383 or her back salary shall be paid. If the employee wishes to
 384 contest the charges, the employee must, within 15 days after
 385 receipt of the written notice, submit a written request for a
 386 hearing to the district school board. Such hearing shall be
 387 conducted at the district school board's election in accordance
 388 with one of the following procedures:

389 (a) A direct hearing conducted by the district school
 390 board within 60 days after receipt of the written appeal. The
 391 hearing shall be conducted in accordance with the provisions of
 392 ss. 120.569 and 120.57. A majority vote of the membership of the
 393 district school board shall be required to sustain the district
 394 school superintendent's recommendation. The determination of the
 395 district school board shall be final as to the sufficiency or
 396 insufficiency of the grounds for termination of employment; or

397 (b) A hearing conducted by an administrative law judge
 398 assigned by the Division of Administrative Hearings of the
 399 Department of Management Services. The hearing shall be
 400 conducted within 60 days after receipt of the written appeal in
 401 accordance with chapter 120. The recommendation of the
 402 administrative law judge shall be made to the district school
 403 board. A majority vote of the membership of the district school
 404 board shall be required to sustain or change the administrative
 405 law judge's recommendation. The determination of the district
 406 school board shall be final as to the sufficiency or
 407 insufficiency of the grounds for termination of employment.

408
 409 Any such decision adverse to the employee may be appealed by the
 410 employee pursuant to s. 120.68 if the appeal is filed within 30
 411 days after the decision of the district school board.

412 (8) JUST CAUSE.--The State Board of Education shall adopt
 413 rules pursuant to ss. 120.536(1) and 120.54 to define just
 414 cause. Just cause includes, but is not limited to:

415 (a) Immorality.

416 (b) Misconduct in office.

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- 417 (c) Incompetency.
- 418 (d) Gross insubordination.
- 419 (e) Willful neglect of duty.
- 420 (f) Being convicted or found guilty of, or entering a plea
- 421 of guilty to, regardless of adjudication of guilt, any crime
- 422 involving moral turpitude.
- 423 (g) Educational insufficiency.

424

425 The rules shall include a definition of educational

426 insufficiency that is based upon multiyear, objective data on

427 declines in student performance.

428 Section 13. Section 1012.34, Florida Statutes, is amended

429 to read:

430 1012.34 Appraisal ~~Assessment~~ procedures and criteria.--

431 (1) For the purpose of increasing student achievement by

432 improving the quality of instructional, administrative, and

433 supervisory services in the public schools of the state, the

434 district school superintendent shall establish procedures for

435 evaluating ~~assessing~~ the performance of duties and

436 responsibilities of all instructional, administrative, and

437 supervisory personnel employed by the school district. The

438 Department of Education must approve each district's

439 instructional personnel appraisal ~~assessment~~ system and

440 appraisal instruments.

441 (2) The following conditions must be considered in the

442 design of the district's instructional personnel appraisal

443 ~~assessment~~ system:

444 (a) The system must be designed to support district and
 445 school level improvement plans.

446 (b) The system must provide appropriate appraisal
 447 instruments, procedures, and criteria for continuous quality
 448 improvement of the professional skills of instructional
 449 personnel.

450 (c) The system must include a mechanism to give parents an
 451 opportunity to provide input into employee performance
 452 appraisals ~~assessments~~ when appropriate.

453 (d) In addition to addressing generic teaching
 454 competencies, districts must determine those teaching fields for
 455 which special procedures and criteria will be developed,
 456 including a process for determining the professional education
 457 competence of a teacher who holds a temporary certificate as
 458 required under s. 1012.56.

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

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

468 (g) The system must include a process for monitoring the
 469 effective and consistent use of appraisal criteria by
 470 supervisors and administrators and a process for evaluating the

471 effectiveness of the system itself in improving the level of
 472 instruction and learning in the district's schools.

473 (3) The appraisal ~~assessment~~ procedure for instructional
 474 personnel and school administrators must be primarily based on
 475 the performance of students assigned to their classrooms or
 476 schools, as appropriate. Pursuant to this section, a school
 477 district's performance appraisal ~~assessment~~ is not limited to
 478 basing unsatisfactory performance of instructional personnel and
 479 school administrators upon student performance, but may include
 480 other criteria approved to evaluate ~~assess~~ instructional
 481 personnel and school administrators' performance, or any
 482 combination of student performance and other approved criteria.
 483 The procedures must comply with, but are not limited to, the
 484 following requirements:

485 (a) An appraisal ~~assessment~~ must be conducted for each
 486 employee at least once a year, except that an appraisal for each
 487 first-year teacher must be conducted at least twice a year. The
 488 appraisal ~~assessment~~ must be based upon sound educational
 489 principles and contemporary research in effective educational
 490 practices. ~~The assessment must primarily use data and indicators~~
 491 ~~of improvement in student performance assessed annually as~~
 492 ~~specified in s. 1008.22 and may consider results of peer reviews~~
 493 ~~in evaluating the employee's performance. Student performance~~
 494 ~~must be measured by state assessments required under s. 1008.22~~
 495 ~~and by local assessments for subjects and grade levels not~~
 496 ~~measured by the state assessment program.~~ The appraisal
 497 ~~assessment~~ criteria must include, but are not limited to,
 498 indicators that relate to the following:

499 1. Performance of students. The appraisal must primarily
 500 use data and indicators of improvement in student performance
 501 assessed annually as specified in s. 1008.22 and by district-
 502 determined assessments for subjects and grade levels not
 503 measured by the state assessment program.

504 2. Instructional practice. For instructional personnel,
 505 performance criteria must include indicators based on each of
 506 the Florida Educator Accomplished Practices adopted by the State
 507 Board of Education under s. 1012.52.

508 3. Instructional leadership. For school-based
 509 administrators, performance criteria must include indicators
 510 based on each of the leadership standards adopted by the State
 511 Board of Education under s. 1012.986.

512 4. Professional responsibilities. Such criteria must
 513 include professional responsibilities and employment
 514 requirements as established by the State Board of Education and
 515 through policies of the district school board.

516 ~~2. Ability to maintain appropriate discipline.~~

517 ~~3. Knowledge of subject matter. The district school board~~
 518 ~~shall make special provisions for evaluating teachers who are~~
 519 ~~assigned to teach out of field.~~

520 ~~4. Ability to plan and deliver instruction and the use of~~
 521 ~~technology in the classroom.~~

522 ~~5. Ability to evaluate instructional needs.~~

523 ~~6. Ability to establish and maintain a positive~~
 524 ~~collaborative relationship with students' families to increase~~
 525 ~~student achievement.~~

526 ~~7. Other professional competencies, responsibilities, and~~
 527 ~~requirements as established by rules of the State Board of~~
 528 ~~Education and policies of the district school board.~~

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

532 (c) The individual responsible for supervising the
 533 employee must evaluate ~~assess~~ the employee's performance. The
 534 evaluator must submit a written report of the appraisal
 535 ~~assessment~~ to the district school superintendent for the purpose
 536 of reviewing the employee's contract. The evaluator must submit
 537 the written report to the employee no later than 10 days after
 538 the appraisal ~~assessment~~ takes place. The evaluator must discuss
 539 the written report of appraisal ~~assessment~~ with the employee.
 540 The employee shall have the right to initiate a written response
 541 to the appraisal ~~assessment~~, and the response shall become a
 542 permanent attachment to his or her personnel file.

543 (d) If an employee is not performing his or her duties in
 544 a satisfactory manner, the evaluator shall notify the employee
 545 in writing of such determination. The notice must describe such
 546 unsatisfactory performance and include notice of the following
 547 procedural requirements:

548 1. Upon delivery of a notice of unsatisfactory
 549 performance, the evaluator must confer with the employee, make
 550 recommendations with respect to specific areas of unsatisfactory
 551 performance, and provide assistance in helping to correct
 552 deficiencies within a prescribed period of time.

553 2.a. If the employee holds a professional service contract
 554 as provided in s. 1012.33 or a professional performance contract
 555 as provided in 1012.335, the employee shall be placed on
 556 performance probation and governed by the provisions of this
 557 section for 90 calendar days following the receipt of the notice
 558 of unsatisfactory performance to demonstrate corrective action.
 559 School holidays and school vacation periods are not counted when
 560 calculating the 90-calendar-day period. During the 90 calendar
 561 days, the employee who holds a professional service contract or
 562 a professional performance contract must be evaluated
 563 periodically and apprised of progress achieved and must be
 564 provided assistance and inservice training opportunities to help
 565 correct the noted performance deficiencies. At any time during
 566 the 90 calendar days, the employee who holds a professional
 567 service contract or a professional performance contract may
 568 request a transfer to another appropriate position with a
 569 different supervising administrator; however, a transfer does
 570 not extend the period for correcting performance deficiencies.

571 b. Within 14 days after the close of the 90 calendar days,
 572 the evaluator must evaluate ~~assess~~ whether the performance
 573 deficiencies have been corrected and forward a recommendation to
 574 the district school superintendent. Within 14 days after
 575 receiving the evaluator's recommendation, the district school
 576 superintendent must notify the employee who holds a professional
 577 service contract or a professional performance contract in
 578 writing whether the performance deficiencies have been
 579 satisfactorily corrected and whether the district school
 580 superintendent will recommend that the district school board

581 | continue or terminate his or her employment contract. If the
 582 | employee wishes to contest the district school superintendent's
 583 | recommendation, the employee must, within 15 days after receipt
 584 | of the district school superintendent's recommendation, submit a
 585 | written request for a hearing. The hearing shall be conducted at
 586 | the district school board's election in accordance with one of
 587 | the following procedures:

588 | (I) A direct hearing conducted by the district school
 589 | board within 60 days after receipt of the written appeal. The
 590 | hearing shall be conducted in accordance with the provisions of
 591 | ss. 120.569 and 120.57. A majority vote of the membership of the
 592 | district school board shall be required to sustain the district
 593 | school superintendent's recommendation. The determination of the
 594 | district school board shall be final as to the sufficiency or
 595 | insufficiency of the grounds for termination of employment; or

596 | (II) A hearing conducted by an administrative law judge
 597 | assigned by the Division of Administrative Hearings of the
 598 | Department of Management Services. The hearing shall be
 599 | conducted within 60 days after receipt of the written appeal in
 600 | accordance with chapter 120. The recommendation of the
 601 | administrative law judge shall be made to the district school
 602 | board. A majority vote of the membership of the district school
 603 | board shall be required to sustain or change the administrative
 604 | law judge's recommendation. The determination of the district
 605 | school board shall be final as to the sufficiency or
 606 | insufficiency of the grounds for termination of employment.

607 | (4) The district school superintendent shall notify the
 608 | department of any instructional personnel who receive two

609 consecutive unsatisfactory evaluations and who have been given
 610 written notice by the district that their employment is being
 611 terminated or is not being renewed or that the district school
 612 board intends to terminate, or not renew, their employment. The
 613 department shall conduct an investigation to determine whether
 614 action shall be taken against the certificateholder pursuant to
 615 s. 1012.795(1)(e).

616 ~~(5) The district school superintendent shall develop a~~
 617 ~~mechanism for evaluating the effective use of assessment~~
 618 ~~criteria and evaluation procedures by administrators who are~~
 619 ~~assigned responsibility for evaluating the performance of~~
 620 ~~instructional personnel. The use of the assessment and~~
 621 ~~evaluation procedures shall be considered as part of the annual~~
 622 ~~assessment of the administrator's performance. The system must~~
 623 ~~include a mechanism to give parents and teachers an opportunity~~
 624 ~~to provide input into the administrator's performance~~
 625 ~~assessment, when appropriate.~~

626 ~~(5)(6)~~ Nothing in this section shall be construed to grant
 627 a probationary employee a right to continued employment beyond
 628 the term of his or her contract.

629 ~~(6)(7)~~ The district school board shall establish a
 630 procedure annually reviewing instructional personnel appraisal
 631 ~~assessment~~ systems to determine compliance with this section.
 632 All substantial revisions to an approved system must be reviewed
 633 and approved by the district school board before being used to
 634 evaluate ~~assess~~ instructional personnel. Upon request by a
 635 school district, the department shall provide assistance in

636 developing, improving, or reviewing an appraisal assessment
 637 system.

638 ~~(7)(8)~~ The State Board of Education shall adopt rules
 639 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 640 guidelines for the submission, review, and approval of district
 641 procedures for the annual appraisal assessment of instructional
 642 personnel and that include criteria for evaluating professional
 643 performance.

644 Section 14. Subsection (3) is added to section 1012.52,
 645 Florida Statutes, to read:

646 1012.52 Teacher quality; legislative findings; Florida
 647 Educator Accomplished Practices.--

648 (3) The State Board of Education shall adopt by rule the
 649 Florida Educator Accomplished Practices, which shall form the
 650 basis for the state's expectations for effective instructional
 651 practice. The Commissioner of Education shall periodically
 652 review the Florida Educator Accomplished Practices based on
 653 contemporary educational research and analysis of student
 654 performance data. Upon finalizing any resulting revisions to the
 655 Florida Educator Accomplished Practices, the commissioner shall
 656 submit the revised practices and supporting evaluation
 657 information to the Governor, the President of the Senate, and
 658 the Speaker of the House of Representatives at least 21 days
 659 before the State Board of Education considers adoption of the
 660 revised practices.

661 Section 15. Subsection (1) and paragraphs (g) and (h) of
 662 subsection (6) of section 1012.56, Florida Statutes, are

663 amended, paragraph (i) is added to subsection (6), and
 664 subsection (18) is added to that section, to read:

665 1012.56 Educator certification requirements.--

666 (1) APPLICATION.--Each person seeking certification
 667 pursuant to this chapter shall submit a completed application
 668 containing the applicant's social security number to the
 669 Department of Education and remit the fee required pursuant to
 670 s. 1012.59 and rules of the State Board of Education. Pursuant
 671 to the federal Personal Responsibility and Work Opportunity
 672 Reconciliation Act of 1996, each party is required to provide
 673 his or her social security number in accordance with this
 674 section. Disclosure of social security numbers obtained through
 675 this requirement is limited to the purpose of administration of
 676 the Title IV-D program of the Social Security Act for child
 677 support enforcement. Pursuant to s. 120.60, the department shall
 678 issue within 90 calendar days after the stamped receipted date
 679 of the completed application:

680 (a) If the applicant meets the requirements, a
 681 professional certificate covering the classification, level, and
 682 area for which the applicant is deemed qualified and a document
 683 explaining the requirements for renewal of the professional
 684 certificate;

685 (b) If the applicant meets the requirements and if
 686 requested by an employing school district or an employing
 687 private school with a professional education competence
 688 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
 689 (8) (b) ~~(7) (b)~~, a temporary certificate covering the
 690 classification, level, and area for which the applicant is

691 deemed qualified and an official statement of status of
 692 eligibility; or

693 (c) If an applicant does not meet the requirements for
 694 either certificate, an official statement of status of
 695 eligibility.

696
 697 The statement of status of eligibility must advise the applicant
 698 of any qualifications that must be completed to qualify for
 699 certification. Each statement of status of eligibility is valid
 700 for 3 years after its date of issuance, except as provided in
 701 paragraph (2) (d). For purposes of this section, the term
 702 "private school" includes an approved Voluntary Prekindergarten
 703 Education Program provider.

704 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 705 COMPETENCE.--Acceptable means of demonstrating mastery of
 706 professional preparation and education competence are:

707 (g) Successful completion of a professional preparation
 708 alternative certification and education competency program,
 709 outlined in paragraph (8) (a) ~~(7) (a)~~; ~~or~~

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

714 (i) Successful completion of a professional education
 715 training program provided by Teach for America and achievement
 716 of a passing score on the professional education competency
 717 examination required by rule of the State Board of Education.

718 (18) MILITARY INSTRUCTOR EXPERIENCE AND AMERICAN COUNCIL

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719 ON EDUCATION TRANSCRIPTS; RULES.--The State Board of Education
 720 may adopt rules that:

721 (a) For purposes of demonstrating mastery of professional
 722 preparation and education competence through the completion of
 723 professional preparation courses as specified in state board
 724 rule, allow a person to use his or her teaching experience as a
 725 military instructor to verify occupational teaching experience
 726 for the same number of years of instruction provided in one of
 727 the branches of the United States Armed Forces.

728 (b) For purposes of demonstrating the completion of
 729 certification requirements specified in state board rule, allow
 730 for the acceptance of college course credits recommended by the
 731 American Council on Education (ACE), which are posted on an
 732 official ACE transcript.

733 (c) This subsection applies to credit for instruction
 734 performed, or course credits awarded, prior to and after July 1,
 735 2009.

736 Section 16. Paragraph (h) of subsection (1) of section
 737 1012.795, Florida Statutes, is amended to read:

738 1012.795 Education Practices Commission; authority to
 739 discipline.--

740 (1) The Education Practices Commission may suspend the
 741 educator certificate of any person as defined in s. 1012.01(2)
 742 or (3) for up to 5 years, thereby denying that person the right
 743 to teach or otherwise be employed by a district school board or
 744 public school in any capacity requiring direct contact with
 745 students for that period of time, after which the holder may
 746 return to teaching as provided in subsection (4); may revoke the

747 educator certificate of any person, thereby denying that person
 748 the right to teach or otherwise be employed by a district school
 749 board or public school in any capacity requiring direct contact
 750 with students for up to 10 years, with reinstatement subject to
 751 the provisions of subsection (4); may revoke permanently the
 752 educator certificate of any person thereby denying that person
 753 the right to teach or otherwise be employed by a district school
 754 board or public school in any capacity requiring direct contact
 755 with students; may suspend the educator certificate, upon an
 756 order of the court or notice by the Department of Revenue
 757 relating to the payment of child support; or may impose any
 758 other penalty provided by law, if the person:

759 (h) Has breached a contract, as provided in s. 1012.33(2)
 760 or s. 1012.335(5).

761 Section 17. Subsection (6) of section 1012.98, Florida
 762 Statutes, is amended to read:

763 1012.98 School Community Professional Development Act.--

764 (6) An organization of private schools which has no fewer
 765 than 10 member schools in this state, which publishes and files
 766 with the Department of Education copies of its standards, and
 767 the member schools of which comply with the provisions of part
 768 II of chapter 1003, relating to compulsory school attendance, or
 769 an organization of approved Voluntary Prekindergarten Education
 770 Program providers with no fewer than 10 members in this state,
 771 may also develop a professional development system that includes
 772 a master plan for inservice activities and a program for
 773 demonstration of professional education competence under s.
 774 1012.56. The professional development system ~~and inservice plan~~

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775 must be submitted to the commissioner for approval pursuant to
 776 rules of the State Board of Education.

777 Section 18. Section 1012.986, Florida Statutes, is amended
 778 to read:

779 1012.986 William Cecil Golden Professional Development
 780 Program for School Leaders.--

781 (1) There is established the William Cecil Golden
 782 Professional Development Program for School Leaders to provide
 783 high standards and sustained support for principals as
 784 instructional leaders. The program shall consist of a
 785 collaborative network of state and national professional
 786 leadership organizations to respond to instructional leadership
 787 needs throughout the state.

788 (2) The network shall support the human-resource
 789 development needs of principals, principal leadership teams, and
 790 candidates for principal leadership positions using the
 791 framework of leadership standards adopted by the State Board of
 792 Education, the Southern Regional Education Board, and the
 793 National Staff Development Council. Leadership standards adopted
 794 under this section must focus on instructional leadership and
 795 include the ability to:

796 (a) Identify and promote effective instruction.

797 (b) Recruit and retain high-performing instructional
 798 personnel.

799 (c) Manage resources so as to maximize their use for
 800 improving student achievement.

801 (3) The goals ~~goal~~ of the network leadership program are
 802 is to:

803 (a) Provide resources to support and enhance the
 804 principal's role as the instructional leader.

805 (b) Maintain a clearinghouse and disseminate data-
 806 supported information related to enhanced student achievement,
 807 based on educational research and best practices.

808 (c) Build the capacity to increase the quality of programs
 809 for preservice education for aspiring principals and inservice
 810 professional development for principals and principal leadership
 811 teams.

812 (d) Support best teaching and research-based instructional
 813 practices through dissemination and modeling at the preservice
 814 and inservice levels for both teachers and principals.

815 (4)~~(2)~~ The Department of Education shall coordinate
 816 ~~through the network identified in subsection (1)~~ to offer the
 817 program through multiple delivery systems, including:

- 818 (a) Approved school district training programs.
- 819 (b) Interactive technology-based instruction.
- 820 (c) Regional consortium service organizations pursuant to
 821 s. 1001.451.
- 822 (d) State, regional, or local leadership academies.
- 823 (e) State-approved educational leadership programs in
 824 public and nonpublic colleges and universities.

825 (5)~~(3)~~ The State Board of Education shall adopt rules
 826 pursuant to ss. 120.536(1) and 120.54 to administer this
 827 section.

828 Section 19. This act shall take effect upon becoming a
 829 law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 120.81 Exceptions and special requirements; general
24 areas.--

25 (1) EDUCATIONAL UNITS.--

26 (i) For purposes of s. 120.68, a district school board
27 whose decision is reviewed under the provisions of s. 1012.33 or
28 s. 1012.335 and whose final action is modified by a superior
29 administrative decision shall be a party entitled to judicial
30 review of the final action.

31 Section 4. Paragraph (g) of subsection (7) of section
32 1002.36, Florida Statutes, is amended to read:

33 1002.36 Florida School for the Deaf and the Blind.--

34 (7) PERSONNEL SCREENING.--

35 (g) For purposes of protecting the health, safety, or
36 welfare of students, the Florida School for the Deaf and the
37 Blind is considered a school district and must, except as
38 otherwise provided in this section, comply with ss. 1001.03,
39 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
40 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

41 Section 5. Paragraph (a) of subsection (2) of section
42 1003.62, Florida Statutes, is amended to read:

43 1003.62 Academic performance-based charter school
44 districts.--The State Board of Education may enter into a
45 performance contract with district school boards as authorized
46 in this section for the purpose of establishing them as academic
47 performance-based charter school districts. The purpose of this
48 section is to examine a new relationship between the State Board
49 of Education and district school boards that will produce
50 significant improvements in student achievement, while complying
51 with constitutional and statutory requirements assigned to each
52 entity.

53 (2) EXEMPTION FROM STATUTES AND RULES.--

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Amendment No. (for drafter's use only)

54 (a) An academic performance-based charter school district
55 shall operate in accordance with its charter and shall be exempt
56 from certain State Board of Education rules and statutes if the
57 State Board of Education determines such an exemption will
58 assist the district in maintaining or improving its high-
59 performing status pursuant to paragraph (1)(a). However, the
60 State Board of Education may not exempt an academic performance-
61 based charter school district from any of the following
62 statutes:

63 1. Those statutes pertaining to the provision of services
64 to students with disabilities.

65 2. Those statutes pertaining to civil rights, including s.
66 1000.05, relating to discrimination.

67 3. Those statutes pertaining to student health, safety,
68 and welfare.

69 4. Those statutes governing the election or compensation
70 of district school board members.

71 5. Those statutes pertaining to the student assessment
72 program and the school grading system, including chapter 1008.

73 6. Those statutes pertaining to financial matters,
74 including chapter 1010.

75 7. Those statutes pertaining to planning and budgeting,
76 including chapter 1011, except that ss. 1011.64 and 1011.69
77 shall be eligible for exemption.

78 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
79 differentiated pay and performance-pay policies for school
80 administrators and instructional personnel. Professional service
81 contracts shall be subject to the provisions of ss. 1012.33 and
82 1012.34. Professional performance contracts shall be subject to
83 the provisions of ss. 1012.335 and 1012.34.

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84 9. Those statutes pertaining to educational facilities,
85 including chapter 1013, except as specified under contract with
86 the State Board of Education. However, no contractual provision
87 that could have the effect of requiring the appropriation of
88 additional capital outlay funds to the academic performance-
89 based charter school district shall be valid.

90 Section 6. Paragraph (h) of subsection (2) of section
91 1003.621, Florida Statutes, is amended to read:

92 1003.621 Academically high-performing school
93 districts.--It is the intent of the Legislature to recognize and
94 reward school districts that demonstrate the ability to
95 consistently maintain or improve their high-performing status.
96 The purpose of this section is to provide high-performing school
97 districts with flexibility in meeting the specific requirements
98 in statute and rules of the State Board of Education.

99 (2) COMPLIANCE WITH STATUTES AND RULES.--Each academically
100 high-performing school district shall comply with all of the
101 provisions in chapters 1000-1013, and rules of the State Board
102 of Education which implement these provisions, pertaining to the
103 following:

104 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
105 differentiated pay and performance-pay policies for school
106 administrators and instructional personnel. Professional service
107 contracts are subject to the provisions of ss. 1012.33 and
108 1012.34. Professional performance contracts are subject to the
109 provisions of ss. 1012.335 and 1012.34.

110 Section 7. Subsection (13) of section 1004.04, Florida
111 Statutes, is renumbered as subsection (14), and a new subsection
112 (13) is added to that section to read:

113 1004.04 Public accountability and state approval for
114 teacher preparation programs.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 (13) REPORT.--By March 1, 2010, and biennially thereafter,
116 the Department of Education shall report to the State Board of
117 Education on the effectiveness of the graduates of state-
118 approved teacher preparation programs. Specifically, the report
119 shall include an analysis of the public school student learning
120 gains on statewide assessments, pursuant to s. 1008.22, by
121 students who were taught by graduates of each state-approved
122 teacher preparation program.

123 Section 8. Subsections (2) and (6) of section 1012.21,
124 Florida Statutes, are amended to read:

125 1012.21 Department of Education duties; K-12 personnel.--

126 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
127 WAS TERMINATED.--

128 (a) The Department of Education shall establish a computer
129 database containing the names of persons whose employment is
130 terminated under s. 1012.33(1)(a) or (4)(c) or under s.
131 1012.335(6) or (7), which information shall be available to the
132 district school superintendents and their designees.

133 (b) Each district school superintendent shall report to
134 the Department of Education the name of any person terminated
135 under s. 1012.33(1)(a) or (4)(c) or under s. 1012.335(6) or (7)
136 within 10 working days after the date of final action by the
137 district school board on the termination, and the department
138 shall immediately enter the information in the computer records.

139 (6) REPORTING.-- The Department of Education shall
140 annually:

141 (a) Post online links to each school district's collective
142 bargaining contracts and the salary and benefits of the
143 personnel or officers of any educator association which were
144 paid by the school district pursuant to s. 1012.22.

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145 (b) Notify the President of the Senate and the Speaker of
146 the House of Representatives of any school district that does
147 not comply with the requirements of s. 1012.22(1)(c).

148 (c) Report to the State Board of Education by school
149 district the number of classroom teachers whose students'
150 declining academic performance indicates educational
151 insufficiency. The State Board of Education shall adopt rules
152 pursuant to ss. 120.536(1) and 120.54 to define educational
153 insufficiency, which shall be based upon multiyear, objective
154 data on declines in student performance.

155 (d) Report to the State Board of Education by school
156 district the number of dismissals initiated based on educational
157 insufficiency as defined by state board rule and the number of
158 the initiated dismissals that resulted in termination of
159 classroom teachers.

160 Section 9. Paragraph (c) of subsection (1) of section
161 1012.22, Florida Statutes, is amended to read:

162 1012.22 Public school personnel; powers and duties of the
163 district school board.--The district school board shall:

164 (1) Designate positions to be filled, prescribe
165 qualifications for those positions, and provide for the
166 appointment, compensation, promotion, suspension, and dismissal
167 of employees as follows, subject to the requirements of this
168 chapter:

169 (c) Compensation and salary schedules.--

170 ~~1. The district school board shall adopt a salary schedule~~
171 ~~or salary schedules designed to furnish incentives for~~
172 ~~improvement in training and for continued efficient service to~~
173 ~~be used as a basis for paying all school employees and fix and~~
174 ~~authorize the compensation of school employees on the basis~~
175 ~~thereof.~~

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176 ~~1.2.~~ A district school board, in determining the salary
177 schedule for instructional personnel, must base a portion of
178 each employee's compensation on performance demonstrated under
179 s. 1012.34, ~~must consider the prior teaching experience of a~~
180 ~~person who has been designated state teacher of the year by any~~
181 ~~state in the United States, and must consider prior professional~~
182 ~~experience in the field of education gained in positions in~~
183 ~~addition to district level instructional and administrative~~
184 ~~positions.~~

185 ~~2.3.~~ In developing the salary schedule, the district
186 school board shall seek input from parents, teachers, and
187 representatives of the business community.

188 ~~3.4.~~ ~~Beginning with the 2007-2008 academic year,~~ Each
189 district school board shall adopt a salary schedule with
190 differentiated pay for both instructional personnel and school-
191 based administrators. The salary schedule is subject to
192 negotiation as provided in chapter 447 and must allow
193 differentiated pay based on district-determined factors,
194 including, but not limited to, additional responsibilities,
195 school demographics, critical shortage areas, and level of job
196 performance difficulties. Each district school board shall
197 annually report to the Department of Education on its adopted
198 differentiated pay policy in the manner and format prescribed by
199 the department.

200
201 The State Board of Education shall adopt rules pursuant to ss.
202 120.536(1) and 120.54 for the implementation of this paragraph.
203 Such rules shall include compliance requirements for district
204 salary schedules regarding individual performance and
205 differentiated pay, reporting formats, and procedures for review
206 of salary schedules.

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207 Section 10. Subsection (5) of section 1012.2315, Florida
208 Statutes, is amended to read:

209 1012.2315 Assignment of teachers.--

210 (5) REPORT.--The Department of Education shall annually:

211 (a) Post on its Internet website the percentage of
212 classroom teachers by school who are first-time teachers,
213 temporarily certified teachers, teachers in need of improvement,
214 or out-of-field teachers.

215 (b) Report to the President of the Senate and the Speaker
216 of the House of Representatives any school district that does
217 not comply with this section. Schools graded "D" or "F" shall
218 annually report their teacher retention rate. Included in this
219 report shall be reasons listed for leaving by each teacher who
220 left the school for any reason.

221 Section 11. Subsection (3) of section 1012.28, Florida
222 Statutes, is amended to read:

223 1012.28 Public school personnel; duties of school
224 principals.--

225 (3) Each school principal is responsible for the
226 performance of all personnel employed by the district school
227 board and assigned to the school to which the principal is
228 assigned. The school principal shall faithfully and effectively
229 apply the personnel appraisal assessment system approved by the
230 district school board pursuant to s. 1012.34.

231 Section 12. Section 1012.335, Florida Statutes, is created
232 to read:

233 1012.335 Contracts with classroom teachers hired on or
234 after July 1, 2009.--

235 (1) LEGISLATIVE INTENT.--It is the intent of the
236 Legislature to ensure that every student has a high-quality
237 teacher in his or her classroom.

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238 (2) FINDINGS.--The Legislature finds that:

239 (a) The quality of the classroom teacher is the single
240 most important factor impacting the quality of education in the
241 state's public school classrooms.

242 (b) An effective classroom teacher can produce student
243 learning gains far greater than those of an ineffective
244 classroom teacher.

245 (c) An effective classroom teacher can increase student
246 learning and thereby provide the student with the potential for
247 greater future success and higher income over a lifetime.

248 (d) District school boards need flexibility to recruit and
249 retain high-quality classroom teachers.

250 (3) DEFINITIONS.--

251 (a) "Annual contract" means a contract for a period of no
252 longer than 1 school year which the district school board can
253 choose to renew or not renew without cause.

254 (b) "Classroom teacher" means the same as classroom
255 teacher as defined in s. 1012.01(2)(a), excluding substitute
256 teachers.

257 (c) "Probationary contract" means a contract for a period
258 of no longer than 1 school year in which a classroom teacher may
259 be dismissed without cause or may resign from the contractual
260 position without breach of contract.

261 (d) "Professional performance contract" means a contract
262 for a period of no longer than 5 school years which the district
263 school board can choose to renew or not renew without cause.

264 (4) EMPLOYMENT.--

265 (a) Beginning July 1, 2009, each person newly hired as a
266 classroom teacher by a Florida school district shall receive a
267 probationary contract.

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268 (b) Classroom teachers are eligible for an annual contract
269 after successful completion of the term of a probationary
270 contract. No classroom teacher shall receive more than 7
271 consecutive annual contracts.

272 (c) Classroom teachers are eligible for a professional
273 performance contract after completion of no fewer than 5 annual
274 contracts in the same school district during a period not in
275 excess of 7 successive years, except for leave duly authorized
276 and granted. A professional performance contract may only be
277 offered by a district school board to a classroom teacher:

278 1. Who holds a professional certificate as prescribed by
279 s. 1012.56 and rules of the State Board of Education.

280 2. Who has been recommended by the district school
281 superintendent for such contract and approved by the district
282 school board based on successful performance of duties and
283 demonstration of professional competence.

284 3. Whose performance is satisfactory after a cumulative
285 review of the teacher's effectiveness in the classroom based on
286 objective student learning gains.

287 (d) A district school board may issue a professional
288 performance contract after July 1, 2009, to any classroom
289 teacher who has previously held a professional performance
290 contract, a professional service contract, or a continuing
291 contract in the same or another school district within this
292 state. Any classroom teacher who holds a professional service
293 contract or a continuing contract may, but is not required to,
294 exchange such contract for a professional performance contract
295 in the same district.

296 (5) VIOLATION OF CONTRACT.--Any classroom teacher employed
297 on the basis of a written offer of a specific position by a duly
298 authorized agent of the district school board for a stated term

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299 of service at a specified salary, who accepted such offer by
300 telegram or letter or by signing the regular contract form, and
301 who violates the terms of such contract or agreement by leaving
302 his or her position without first being released from his or her
303 contract or agreement by the district school board of the
304 district in which the classroom teacher is employed shall be
305 subject to the jurisdiction of the Education Practices
306 Commission. The district school board shall take official action
307 on such violation and shall furnish a copy of its official
308 minutes to the Commissioner of Education.

309 (6) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
310 ANNUAL CONTRACT.--Any classroom teacher with an annual contract
311 may be suspended or dismissed at any time during the term of the
312 contract for just cause as provided in subsection (8). The
313 district school board must notify the classroom teacher in
314 writing whenever charges are made against the classroom teacher
315 and may suspend such person without pay. However, if the charges
316 are not sustained, the classroom teacher shall be immediately
317 reinstated and his or her back salary shall be paid.

318 (7) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
319 PROFESSIONAL PERFORMANCE CONTRACT.--Any classroom teacher with a
320 professional performance contract may be suspended or dismissed
321 at any time during the term of the contract for just cause as
322 provided in subsection (8). The district school board must
323 notify the classroom teacher in writing whenever charges are
324 made against the classroom teacher and may suspend such person
325 without pay. However, if the charges are not sustained, the
326 classroom teacher shall be immediately reinstated and his or her
327 back salary shall be paid. If the classroom teacher wishes to
328 contest the charges, the classroom teacher must, within 15 days
329 after receipt of the written notice, submit a written request

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330 for a hearing to the district school board. Such hearing shall
331 be conducted at the district school board's election in
332 accordance with one of the following procedures:

333 (a) A direct hearing conducted by the district school
334 board within 60 days after receipt of the written appeal. The
335 hearing shall be conducted in accordance with the provisions of
336 ss. 120.569 and 120.57. A majority vote of the membership of the
337 district school board shall be required to sustain the district
338 school superintendent's recommendation. The determination of the
339 district school board shall be final as to the sufficiency or
340 insufficiency of the grounds for termination of employment; or

341 (b) A hearing conducted by an administrative law judge
342 assigned by the Division of Administrative Hearings of the
343 Department of Management Services. The hearing shall be
344 conducted within 60 days after receipt of the written appeal in
345 accordance with chapter 120. The recommendation of the
346 administrative law judge shall be made to the district school
347 board. A majority vote of the membership of the district school
348 board shall be required to sustain or change the administrative
349 law judge's recommendation. The determination of the district
350 school board shall be final as to the sufficiency or
351 insufficiency of the grounds for termination of employment.

352

353 Any such decision adverse to the classroom teacher may be
354 appealed by the classroom teacher pursuant to s. 120.68 if the
355 appeal is filed within 30 days after the decision of the
356 district school board.

357 (8) JUST CAUSE.--The State Board of Education shall adopt
358 rules pursuant to ss. 120.536(1) and 120.54 to define just
359 cause. Just cause includes, but is not limited to:

360 (a) Immorality.

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- 361 (b) Misconduct in office.
362 (c) Incompetency.
363 (d) Gross insubordination.
364 (e) Willful neglect of duty.
365 (f) Being convicted or found guilty of, or entering a plea
366 of guilty to, regardless of adjudication of guilt, any crime
367 involving moral turpitude.
368 (g) Educational insufficiency.
369

370 The rules shall include a definition of educational
371 insufficiency that is based upon multiyear, objective data on
372 declines in student performance.

373 Section 13. Section 1012.34, Florida Statutes, is amended
374 to read:

375 1012.34 Appraisal Assessment procedures and criteria.--

376 (1) For the purpose of increasing student achievement by
377 improving the quality of instructional, administrative, and
378 supervisory services in the public schools of the state, the
379 district school superintendent shall establish procedures for
380 evaluating ~~assessing~~ the performance of duties and
381 responsibilities of all instructional, administrative, and
382 supervisory personnel employed by the school district. The
383 Department of Education must approve each district's
384 instructional personnel appraisal ~~assessment~~ system and
385 appraisal instruments.

386 (2) The following conditions must be considered in the
387 design of the district's instructional personnel appraisal
388 ~~assessment~~ system:

389 (a) The system must be designed to support district and
390 school level improvement plans.

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391 (b) The system must provide appropriate appraisal
392 instruments, procedures, and criteria for continuous quality
393 improvement of the professional skills of instructional
394 personnel.

395 (c) The system must include a mechanism to give parents an
396 opportunity to provide input into employee performance
397 appraisals ~~assessments~~ when appropriate.

398 (d) In addition to addressing generic teaching
399 competencies, districts must determine those teaching fields for
400 which special procedures and criteria will be developed,
401 including a process for determining the professional education
402 competence of a teacher who holds a temporary certificate as
403 required under s. 1012.56.

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

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

413 (g) The system must include a process for monitoring the
414 effective and consistent use of appraisal criteria by
415 supervisors and administrators and a process for evaluating the
416 effectiveness of the system itself in improving the level of
417 instruction and learning in the district's schools.

418 (3) The appraisal ~~assessment~~ procedure for instructional
419 personnel and school administrators must be primarily based on
420 the performance of students assigned to their classrooms or
421 schools, as appropriate. Pursuant to this section, a school

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422 district's performance appraisal ~~assessment~~ is not limited to
423 basing unsatisfactory performance of instructional personnel and
424 school administrators upon student performance, but may include
425 other criteria approved to evaluate ~~assess~~ instructional
426 personnel and school administrators' performance, or any
427 combination of student performance and other approved criteria.
428 The procedures must comply with, but are not limited to, the
429 following requirements:

430 (a) An appraisal ~~assessment~~ must be conducted for each
431 employee at least once a year, except that an appraisal for each
432 first-year teacher must be conducted at least twice a year. The
433 appraisal ~~assessment~~ must be based upon sound educational
434 principles and contemporary research in effective educational
435 practices. ~~The assessment must primarily use data and indicators~~
436 ~~of improvement in student performance assessed annually as~~
437 ~~specified in s. 1008.22 and may consider results of peer reviews~~
438 ~~in evaluating the employee's performance. Student performance~~
439 ~~must be measured by state assessments required under s. 1008.22~~
440 ~~and by local assessments for subjects and grade levels not~~
441 ~~measured by the state assessment program.~~ The appraisal
442 ~~assessment~~ criteria must include, but are not limited to,
443 indicators that relate to the following:

444 1. Performance of students. The appraisal must primarily
445 use data and indicators of improvement in student performance
446 assessed annually as specified in s. 1008.22 and by district-
447 determined assessments for subjects and grade levels not
448 measured by the state assessment program.

449 2. Instructional practice. For instructional personnel,
450 performance criteria must include indicators based on each of
451 the Florida Educator Accomplished Practices adopted by the State
452 Board of Education under s. 1012.52.

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453 3. Instructional leadership. For school-based
454 administrators, performance criteria must include indicators
455 based on each of the leadership standards adopted by the State
456 Board of Education under s. 1012.986.

457 4. Professional responsibilities. Such criteria must
458 include professional responsibilities and employment
459 requirements as established by the State Board of Education and
460 through policies of the district school board.

461 ~~2. Ability to maintain appropriate discipline.~~

462 ~~3. Knowledge of subject matter. The district school board~~
463 ~~shall make special provisions for evaluating teachers who are~~
464 ~~assigned to teach out of field.~~

465 ~~4. Ability to plan and deliver instruction and the use of~~
466 ~~technology in the classroom.~~

467 ~~5. Ability to evaluate instructional needs.~~

468 ~~6. Ability to establish and maintain a positive~~
469 ~~collaborative relationship with students' families to increase~~
470 ~~student achievement.~~

471 ~~7. Other professional competencies, responsibilities, and~~
472 ~~requirements as established by rules of the State Board of~~
473 ~~Education and policies of the district school board.~~

474 (b) All personnel must be fully informed of the criteria
475 and procedures associated with the appraisal assessment process
476 before the appraisal assessment takes place.

477 (c) The individual responsible for supervising the
478 employee must evaluate assess the employee's performance. The
479 evaluator must submit a written report of the appraisal
480 assessment to the district school superintendent for the purpose
481 of reviewing the employee's contract. The evaluator must submit
482 the written report to the employee no later than 10 days after
483 the appraisal assessment takes place. The evaluator must discuss

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484 the written report of appraisal ~~assessment~~ with the employee.
485 The employee shall have the right to initiate a written response
486 to the appraisal ~~assessment~~, and the response shall become a
487 permanent attachment to his or her personnel file.

488 (d) If an employee is not performing his or her duties in
489 a satisfactory manner, the evaluator shall notify the employee
490 in writing of such determination. The notice must describe such
491 unsatisfactory performance and include notice of the following
492 procedural requirements:

493 1. Upon delivery of a notice of unsatisfactory
494 performance, the evaluator must confer with the employee, make
495 recommendations with respect to specific areas of unsatisfactory
496 performance, and provide assistance in helping to correct
497 deficiencies within a prescribed period of time.

498 2.a. If the employee holds a professional service contract
499 as provided in s. 1012.33 or a professional performance contract
500 as provided in 1012.335, the employee shall be placed on
501 performance probation and governed by the provisions of this
502 section for 90 calendar days following the receipt of the notice
503 of unsatisfactory performance to demonstrate corrective action.
504 School holidays and school vacation periods are not counted when
505 calculating the 90-calendar-day period. During the 90 calendar
506 days, the employee who holds a professional service contract or
507 a professional performance contract must be evaluated
508 periodically and apprised of progress achieved and must be
509 provided assistance and inservice training opportunities to help
510 correct the noted performance deficiencies. At any time during
511 the 90 calendar days, the employee who holds a professional
512 service contract or a professional performance contract may
513 request a transfer to another appropriate position with a

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514 different supervising administrator; however, a transfer does
515 not extend the period for correcting performance deficiencies.

516 b. Within 14 days after the close of the 90 calendar days,
517 the evaluator must evaluate ~~assess~~ whether the performance
518 deficiencies have been corrected and forward a recommendation to
519 the district school superintendent. Within 14 days after
520 receiving the evaluator's recommendation, the district school
521 superintendent must notify the employee who holds a professional
522 service contract or a professional performance contract in
523 writing whether the performance deficiencies have been
524 satisfactorily corrected and whether the district school
525 superintendent will recommend that the district school board
526 continue or terminate his or her employment contract. If the
527 employee wishes to contest the district school superintendent's
528 recommendation, the employee must, within 15 days after receipt
529 of the district school superintendent's recommendation, submit a
530 written request for a hearing. The hearing shall be conducted at
531 the district school board's election in accordance with one of
532 the following procedures:

533 (I) A direct hearing conducted by the district school
534 board within 60 days after receipt of the written appeal. The
535 hearing shall be conducted in accordance with the provisions of
536 ss. 120.569 and 120.57. A majority vote of the membership of the
537 district school board shall be required to sustain the district
538 school superintendent's recommendation. The determination of the
539 district school board shall be final as to the sufficiency or
540 insufficiency of the grounds for termination of employment; or

541 (II) A hearing conducted by an administrative law judge
542 assigned by the Division of Administrative Hearings of the
543 Department of Management Services. The hearing shall be
544 conducted within 60 days after receipt of the written appeal in

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545 accordance with chapter 120. The recommendation of the
546 administrative law judge shall be made to the district school
547 board. A majority vote of the membership of the district school
548 board shall be required to sustain or change the administrative
549 law judge's recommendation. The determination of the district
550 school board shall be final as to the sufficiency or
551 insufficiency of the grounds for termination of employment.

552 (4) The district school superintendent shall notify the
553 department of any instructional personnel who receive two
554 consecutive unsatisfactory evaluations and who have been given
555 written notice by the district that their employment is being
556 terminated or is not being renewed or that the district school
557 board intends to terminate, or not renew, their employment. The
558 department shall conduct an investigation to determine whether
559 action shall be taken against the certificateholder pursuant to
560 s. 1012.795(1)(c).

561 ~~(5) The district school superintendent shall develop a~~
562 ~~mechanism for evaluating the effective use of assessment~~
563 ~~criteria and evaluation procedures by administrators who are~~
564 ~~assigned responsibility for evaluating the performance of~~
565 ~~instructional personnel. The use of the assessment and~~
566 ~~evaluation procedures shall be considered as part of the annual~~
567 ~~assessment of the administrator's performance. The system must~~
568 ~~include a mechanism to give parents and teachers an opportunity~~
569 ~~to provide input into the administrator's performance~~
570 ~~assessment, when appropriate.~~

571 ~~(5)(6)~~ Nothing in this section shall be construed to grant
572 a probationary employee a right to continued employment beyond
573 the term of his or her contract.

574 ~~(6)(7)~~ The district school board shall establish a
575 procedure annually reviewing instructional personnel appraisal

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576 ~~assessment~~ systems to determine compliance with this section.
577 All substantial revisions to an approved system must be reviewed
578 and approved by the district school board before being used to
579 evaluate ~~assess~~ instructional personnel. Upon request by a
580 school district, the department shall provide assistance in
581 developing, improving, or reviewing an appraisal ~~assessment~~
582 system.

583 ~~(7)(8)~~ The State Board of Education shall adopt rules
584 pursuant to ss. 120.536(1) and 120.54, that establish uniform
585 guidelines for the submission, review, and approval of district
586 procedures for the annual appraisal ~~assessment~~ of instructional
587 personnel and that include criteria for evaluating professional
588 performance.

589 Section 14. Subsection (3) is added to section 1012.52,
590 Florida Statutes, to read:

591 1012.52 Teacher quality; legislative findings; Florida
592 Educator Accomplished Practices.--

593 (3) The State Board of Education shall adopt by rule the
594 Florida Educator Accomplished Practices, which shall form the
595 basis for the state's expectations for effective instructional
596 practice. The Commissioner of Education shall periodically
597 review the Florida Educator Accomplished Practices based on
598 contemporary educational research and analysis of student
599 performance data. The commissioner shall include input from
600 associations representing teachers, principals, superintendents,
601 and school boards when reviewing the Florida Educator
602 Accomplished Practices. Upon finalizing any resulting revisions
603 to the Florida Educator Accomplished Practices, the commissioner
604 shall submit the revised practices and supporting evaluation
605 information to the Governor, the President of the Senate, and
606 the Speaker of the House of Representatives at least 21 days

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607 before the State Board of Education considers adoption of the
608 revised practices.

609 Section 15. Subsection (1) and paragraphs (g) and (h) of
610 subsection (6) of section 1012.56, Florida Statutes, are
611 amended, paragraph (i) is added to subsection (6), and
612 subsection (18) is added to that section, to read:

613 1012.56 Educator certification requirements.--

614 (1) APPLICATION.--Each person seeking certification
615 pursuant to this chapter shall submit a completed application
616 containing the applicant's social security number to the
617 Department of Education and remit the fee required pursuant to
618 s. 1012.59 and rules of the State Board of Education. Pursuant
619 to the federal Personal Responsibility and Work Opportunity
620 Reconciliation Act of 1996, each party is required to provide
621 his or her social security number in accordance with this
622 section. Disclosure of social security numbers obtained through
623 this requirement is limited to the purpose of administration of
624 the Title IV-D program of the Social Security Act for child
625 support enforcement. Pursuant to s. 120.60, the department shall
626 issue within 90 calendar days after the stamped receipted date
627 of the completed application:

628 (a) If the applicant meets the requirements, a
629 professional certificate covering the classification, level, and
630 area for which the applicant is deemed qualified and a document
631 explaining the requirements for renewal of the professional
632 certificate;

633 (b) If the applicant meets the requirements and if
634 requested by an employing school district or an employing
635 private school with a professional education competence
636 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
637 (8) (b) ~~(7) (b)~~, a temporary certificate covering the

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638 classification, level, and area for which the applicant is
639 deemed qualified and an official statement of status of
640 eligibility; or

641 (c) If an applicant does not meet the requirements for
642 either certificate, an official statement of status of
643 eligibility.

644

645 The statement of status of eligibility must advise the applicant
646 of any qualifications that must be completed to qualify for
647 certification. Each statement of status of eligibility is valid
648 for 3 years after its date of issuance, except as provided in
649 paragraph (2) (d). For purposes of this section, the term
650 "private school" includes an approved Voluntary Prekindergarten
651 Education Program provider.

652 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
653 COMPETENCE.--Acceptable means of demonstrating mastery of
654 professional preparation and education competence are:

655 (g) Successful completion of a professional preparation
656 alternative certification and education competency program,
657 outlined in paragraph (8) (a) ~~(7) (a)~~; or

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

662 (i) Successful completion of a professional education
663 training program provided by Teach for America and achievement
664 of a passing score on the professional education competency
665 examination required by rule of the State Board of Education.

666 (18) MILITARY INSTRUCTOR EXPERIENCE AND AMERICAN COUNCIL
667 ON EDUCATION TRANSCRIPTS; RULES.--The State Board of Education
668 may adopt rules that:

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669 (a) For purposes of demonstrating mastery of professional
670 preparation and education competence through the completion of
671 professional preparation courses as specified in state board
672 rule, allow a person to use his or her teaching experience as a
673 military instructor to verify occupational teaching experience
674 for the same number of years of instruction provided in one of
675 the branches of the United States Armed Forces.

676 (b) For purposes of demonstrating the completion of
677 certification requirements specified in state board rule, allow
678 for the acceptance of college course credits recommended by the
679 American Council on Education (ACE), which are posted on an
680 official ACE transcript.

681 (c) This subsection applies to credit for instruction
682 performed, or course credits awarded, prior to and after July 1,
683 2009.

684 Section 16. Paragraph (h) of subsection (1) of section
685 1012.795, Florida Statutes, is amended to read:

686 1012.795 Education Practices Commission; authority to
687 discipline.--

688 (1) The Education Practices Commission may suspend the
689 educator certificate of any person as defined in s. 1012.01(2)
690 or (3) for up to 5 years, thereby denying that person the right
691 to teach or otherwise be employed by a district school board or
692 public school in any capacity requiring direct contact with
693 students for that period of time, after which the holder may
694 return to teaching as provided in subsection (4); may revoke the
695 educator certificate of any person, thereby denying that person
696 the right to teach or otherwise be employed by a district school
697 board or public school in any capacity requiring direct contact
698 with students for up to 10 years, with reinstatement subject to
699 the provisions of subsection (4); may revoke permanently the

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700 educator certificate of any person thereby denying that person
701 the right to teach or otherwise be employed by a district school
702 board or public school in any capacity requiring direct contact
703 with students; may suspend the educator certificate, upon an
704 order of the court or notice by the Department of Revenue
705 relating to the payment of child support; or may impose any
706 other penalty provided by law, if the person:

707 (h) Has breached a contract, as provided in s. 1012.33(2)
708 or s. 1012.335(5).

709 Section 17. Subsection (6) of section 1012.98, Florida
710 Statutes, is amended to read:

711 1012.98 School Community Professional Development Act.--

712 (6) An organization of private schools which has no fewer
713 than 10 member schools in this state, which publishes and files
714 with the Department of Education copies of its standards, and
715 the member schools of which comply with the provisions of part
716 II of chapter 1003, relating to compulsory school attendance, or
717 an organization of approved Voluntary Prekindergarten Education
718 Program providers with no fewer than 10 members in this state,
719 may also develop a professional development system that includes
720 a master plan for inservice activities and a program for
721 demonstration of professional education competence under s.
722 1012.56. The professional development system and inservice plan
723 must be submitted to the commissioner for approval pursuant to
724 rules of the State Board of Education.

725 Section 18. Section 1012.986, Florida Statutes, is amended
726 to read:

727 1012.986 William Cecil Golden Professional Development
728 Program for School Leaders.--

729 (1) There is established the William Cecil Golden
730 Professional Development Program for School Leaders to provide

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731 high standards and sustained support for principals as
732 instructional leaders. The program shall consist of a
733 collaborative network of state and national professional
734 leadership organizations to respond to instructional leadership
735 needs throughout the state.

736 (2) The network shall support the human-resource
737 development needs of principals, principal leadership teams, and
738 candidates for principal leadership positions using the
739 framework of leadership standards adopted by the State Board of
740 Education, the Southern Regional Education Board, and the
741 National Staff Development Council. Leadership standards adopted
742 under this section must focus on instructional leadership and
743 include the ability to:

744 (a) Identify and promote effective instruction.

745 (b) Recruit and retain high-performing instructional
746 personnel.

747 (c) Manage resources so as to maximize their use for
748 improving student achievement.

749 (3) The goals ~~goal~~ of the network leadership program are
750 is to:

751 (a) Provide resources to support and enhance the
752 principal's role as the instructional leader.

753 (b) Maintain a clearinghouse and disseminate data-
754 supported information related to enhanced student achievement,
755 based on educational research and best practices.

756 (c) Build the capacity to increase the quality of programs
757 for preservice education for aspiring principals and inservice
758 professional development for principals and principal leadership
759 teams.

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760 (d) Support best teaching and research-based instructional
761 practices through dissemination and modeling at the preservice
762 and inservice levels for both teachers and principals.

763 ~~(4)(2)~~ The Department of Education shall coordinate
764 through the network identified in subsection ~~(1)~~ to offer the
765 program through multiple delivery systems, including:

766 (a) Approved school district training programs.

767 (b) Interactive technology-based instruction.

768 (c) Regional consortium service organizations pursuant to
769 s. 1001.451.

770 (d) State, regional, or local leadership academies.

771 (e) State-approved educational leadership programs in
772 public and nonpublic colleges and universities.

773 ~~(5)(3)~~ The State Board of Education shall adopt rules
774 pursuant to ss. 120.536(1) and 120.54 to administer this
775 section.

776 Section 19. Paragraph (g) of subsection (3) of section
777 1012.33, Florida Statutes, is repealed.

778 Section 20. This act shall take effect upon becoming a
779 law.

780

781

782

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

783 Remove the entire title and insert:

784 A bill to be entitled

785 An act relating to education personnel; providing a short title;
786 amending s. 39.202, F.S.; providing for access to records by
787 certain education employees or agents in cases of child abuse or
788 neglect; amending ss. 120.81, 1002.36, 1003.62, and 1003.621,
789 F.S., to conform to provisions in the act; amending s. 1004.04,
790 F.S.; requiring the Department of Education to report on the

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791 effectiveness of graduates of state-approved teacher preparation
792 programs; amending s. 1012.21, F.S.; conforming provisions;
793 requiring the department to notify the Legislature relating to
794 school district compliance with compensation and salary schedule
795 requirements; requiring the department to report to the State
796 Board of Education on educational insufficiency and dismissal
797 and termination related thereto; requiring rulemaking to define
798 educational insufficiency; amending s. 1012.22, F.S.; deleting
799 certain provisions relating to district school board adoption of
800 salary schedules and the basis for an employee's compensation;
801 requiring each district school board to report to the department
802 on its adopted differentiated pay policy; requiring rulemaking
803 relating to school district implementation of compensation and
804 salary schedule requirements; amending s. 1012.2315, F.S.;
805 revising department reporting requirements relating to the
806 assignment of classroom teachers; amending s. 1012.28, F.S.;
807 conforming provisions; creating s. 1012.335, F.S., relating to
808 contracts with classroom teachers hired on or after July 1,
809 2009; providing intent, findings, and definitions; providing
810 conditions for receipt of probationary, annual, and professional
811 performance contracts; providing a penalty for violation of a
812 contract; providing criteria and procedures for suspension or
813 dismissal of classroom teachers on contract; providing
814 procedures for hearings to contest charges; requiring rules to
815 define just cause; amending s. 1012.34, F.S.; revising
816 provisions to require a school district personnel appraisal
817 system; specifying criteria and procedures for the appraisal
818 process; requiring approval of appraisal instruments; requiring
819 appraisals twice a year for first-year teachers; requiring
820 evaluation of appraisal system; conforming provisions; amending
821 s. 1012.52, F.S.; requiring the State Board of Education to

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822 adopt by rule the Florida Educator Accomplished Practices;
823 requiring periodic review and revision of the practices;
824 amending s. 1012.56, F.S.; correcting cross-references;
825 authorizing Voluntary Prekindergarten Education Program
826 providers to meet certain requirements relating to educator
827 certification; providing additional means of demonstrating
828 mastery of professional preparation and education competence;
829 authorizing State Board of Education rules for acceptance of
830 certain teaching experience and course credits; providing for
831 retroactive application; amending s. 1012.795, F.S.; conforming
832 provisions; amending s. 1012.98, F.S.; authorizing certain
833 organizations, including organizations of Voluntary
834 Prekindergarten Education Program providers, to develop a
835 professional development system and a program for demonstration
836 of education competence; amending s. 1012.986, F.S.; specifying
837 criteria for leadership standards under the William Cecil Golden
838 Professional Development Program for School Leaders; authorizing
839 the program to be offered through state-approved leadership
840 programs; repealing s. 1012.33(3)(g), F.S., relating to
841 acceptance of certain teaching service for purposes of pay for
842 instructional staff, supervisors, and school principals;
843 providing an effective date.