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# Education Committee

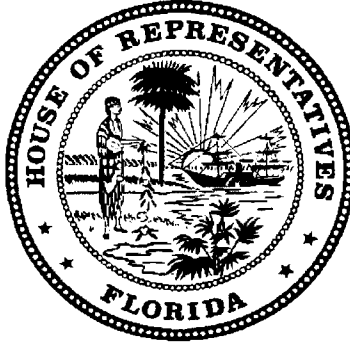
**Wednesday, March 12, 2014  
1:00 p.m. – 3:00 p.m.**

**102 HOB**

**Meeting Packet  
REVISED**

**Will Weatherford  
Speaker**

**H. Marlene O'Toole  
Chair**



## AGENDA

Education Committee  
Wednesday, March 12, 2014  
1:00 p.m. – 3:00 p.m.

102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill:
  - PCB EDC 14-02 School Accountability
- IV. Consideration of the following bill(s):
  - CS/HB 433 Educator Certification by K-12 Subcommittee, Spano
  - CS/HB 533 Student Eligibility for Extracurricular Activities by Choice & Innovation Subcommittee, Diaz, M., Saunders
  - CS/HB 707 Background Screening by K-12 Subcommittee, Diaz, M.
- V. Closing Remarks and Adjournment



PCB EDC 14-02

Original

2014

1                                    A bill to be entitled  
 2                    An act relating to school accountability; amending s.  
 3                    1008.34, F.S.; providing definitions for the  
 4                    statewide, standardized assessment program and school  
 5                    grading system; deleting annual reports; revising  
 6                    authority over allocation of a school's budget based  
 7                    on school grades; revising the basis for the  
 8                    calculation of school grades; deleting requirements  
 9                    for a school improvement rating; revising contents of  
 10                    the school report card; deleting provisions relating  
 11                    to performance-based funding policy; revising the  
 12                    basis for the calculation of district grades;  
 13                    requiring the Department of Education to develop a  
 14                    district report card; providing for transition to the  
 15                    revised school grading system; amending s. 1008.341,  
 16                    F.S.; revising the basis for the calculation of the  
 17                    school improvement rating for alternative schools;  
 18                    revising the rating designations and criteria upon  
 19                    which the ratings are determined; amending s.  
 20                    1008.3415, F.S.; correcting cross-references; amending  
 21                    s. 1001.42, F.S.; revising criteria that necessitate a  
 22                    school's improvement plan to include certain  
 23                    strategies for improving student performance; amending  
 24                    ss. 1002.33 and 1003.621, F.S.; revising cross-  
 25                    references; amending s. 1008.31, F.S.; revising  
 26                    legislative intent for the K-20 education performance

PCB EDC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 accountability system; amending s. 1008.33, F.S.;

28 conforming provisions relating to the state system of

29 school improvement and education accountability;

30 amending s. 1011.64, F.S.; correcting a cross-

31 reference; amending s. 1008.22, F.S.; authorizing use

32 of teacher-selected or principal-selected assessments

33 as a form of local assessment; requiring a district

34 school board to adopt policies relating to selection,

35 development, administration, and scoring of local

36 assessments; amending s. 1012.34, F.S.; providing

37 information to be included in annual reports on the

38 approval and implementation status of school district

39 personnel evaluation systems; revising provisions

40 relating to the measurement of student learning growth

41 for purposes of personnel evaluation; conforming State

42 Board of Education rulemaking relating to performance

43 evaluations; providing for transition to new

44 statewide, standardized assessments; authorizing bonus

45 rewards to school districts for progress toward

46 educator effectiveness; amending s. 1012.341, F.S.;

47 removing rulemaking authority and establishing a

48 compliance verification process for the exemption from

49 performance evaluation system, compensation, and

50 salary schedule requirements; providing an effective

51 date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Section 1008.34, Florida Statutes, is amended  
56 to read:

57 1008.34 School grading system; school report cards;  
58 district grade.—

59 (1) DEFINITIONS.—For purposes of the statewide,  
60 standardized assessment program and school grading system, the  
61 following terms are defined:

62 (a) "Achievement level," "student achievement," or  
63 "achievement" describes the level of content mastery a student  
64 has acquired in a particular subject as measured by a statewide,  
65 standardized assessment administered pursuant to s.  
66 1008.22(3) (a) and (b). There are five achievement levels. Level  
67 1 is the lowest achievement level, level 5 is the highest  
68 achievement level, and level 3 indicates satisfactory  
69 performance. A student passes an assessment if the student  
70 achieves a level 3, level 4, or level 5. For purposes of the  
71 Florida Alternate Assessment administered pursuant to s.  
72 1008.22(3) (c), the State Board of Education shall provide, in  
73 rule, the number of achievement levels and identify the  
74 achievement levels that are considered passing.

75 (b) "Learning Gains," "annual learning gains," or "student  
76 learning gains" means the degree of student learning growth  
77 occurring from one school year to the next as required by state  
78 board rule for purposes of calculating school grades under this

79 section.

80 (c) "Student performance," "student academic performance,"  
 81 or "academic performance" includes, but is not limited to,  
 82 student learning growth, achievement levels, and Learning Gains  
 83 on statewide, standardized assessments administered pursuant to  
 84 s. 1008.22.

85 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~  
 86 ~~prepare annual reports of the results of the statewide~~  
 87 ~~assessment program which describe student achievement in the~~  
 88 ~~state, each district, and each school. The commissioner shall~~  
 89 ~~prescribe the design and content of these reports, which must~~  
 90 ~~include descriptions of the performance of all schools~~  
 91 ~~participating in the assessment program and all of their major~~  
 92 ~~student populations as determined by the commissioner. The~~  
 93 ~~report must also include the percent of students performing at~~  
 94 ~~or above grade level and making learning gains in reading and~~  
 95 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~  
 96 ~~records apply to this section.~~

97 ~~(2) SCHOOL GRADES. The annual report shall identify~~  
 98 ~~Schools shall be graded using as having one of the following~~  
 99 ~~grades, defined according to rules of the State Board of~~  
 100 ~~Education:~~

- 101 (a) "A," schools making excellent progress.
- 102 (b) "B," schools making above average progress.
- 103 (c) "C," schools making satisfactory progress.
- 104 (d) "D," schools making less than satisfactory progress.

105 (e) "F," schools failing to make adequate progress.

106  
 107 Each school that earns a grade of "A" or improves at least two  
 108 letter grades may ~~shall~~ have greater authority over the  
 109 allocation of the school's total budget generated from the FEFP,  
 110 state categoricals, lottery funds, grants, and local funds, ~~as~~  
 111 ~~specified in state board rule. The rule must provide that the~~  
 112 ~~increased budget authority shall remain in effect until the~~  
 113 ~~school's grade declines.~~

114 (3) DESIGNATION OF SCHOOL GRADES.—

115 (a) Each school must assess at least 95 percent of its  
 116 eligible students, except as provided under s. 1008.341 for  
 117 alternative schools. Beginning with the 2013-2014 school year,  
 118 ~~Each school that has students who are tested and included in the~~  
 119 ~~school grading system shall receive a school grade based on the~~  
 120 ~~school's performance on the components listed in paragraph (b).~~  
 121 If a school does not have at least 10 students with complete  
 122 data for one or more of the components listed in paragraph (b),  
 123 those components may not be used in calculating the school's  
 124 grade. if the number of its students tested on statewide  
 125 ~~assessments pursuant to s. 1008.22 meets or exceeds the minimum~~  
 126 ~~sample size of 10, except as follows:~~

127 1. An alternative school may choose to receive a school  
 128 grade under this section or a school improvement rating under s.  
 129 1008.341. For charter schools that meet the definition of an  
 130 alternative school pursuant to State Board of Education rule,



131 the decision to receive a school grade is the decision of the  
 132 charter school governing board.

133 2. A school that serves any combination of students in  
 134 kindergarten through grade 3 that ~~which~~ does not receive a  
 135 school grade because its students are not tested and included in  
 136 the school grading system shall receive the school grade  
 137 designation of a K-3 feeder pattern school identified by the  
 138 Department of Education and verified by the school district. A  
 139 school feeder pattern exists if at least 60 percent of the  
 140 students in the school serving a combination of students in  
 141 kindergarten through grade 3 are scheduled to be assigned to the  
 142 graded school.

143 3. If a collocated school does not earn a school grade or  
 144 school improvement rating for the performance of its students,  
 145 the student performance data of all schools operating at the  
 146 same facility must be aggregated to develop a school grade that  
 147 will be assigned to all schools at that location. A collocated  
 148 school is a school that has its own unique master school  
 149 identification number, provides for the education of each of its  
 150 enrolled students, and operates at the same facility as another  
 151 school that has its own unique master school identification  
 152 number and provides for the education of each of its enrolled  
 153 students.

154 (b)1. Beginning with the 2014-2015 school year, a school's  
 155 grade shall be based on the following components, each worth 100  
 156 points ~~a combination of:~~

157        a. The percentage of eligible students passing Student  
 158 ~~achievement scores on~~ statewide, standardized assessments in  
 159 English Language Arts administered pursuant to ~~under~~ s.  
 160 1008.22(3) ~~1008.22 and achievement scores for students seeking a~~  
 161 ~~special diploma.~~

162        b. The percentage of eligible students passing statewide,  
 163 standardized assessments in mathematics administered pursuant to  
 164 s. 1008.22(3).

165        c. The percentage of eligible students passing statewide,  
 166 standardized assessments in science administered pursuant to s.  
 167 1008.22(3).

168        d. The percentage of eligible students passing statewide,  
 169 standardized assessments in social studies administered pursuant  
 170 to s. 1008.22(3).

171        ~~e.b.~~ The percentage of eligible students who make Student  
 172 Learning Gains in FCAT Reading or, upon transition to common  
 173 ~~core assessments, the common core~~ English Language Arts and  
 174 ~~Mathematics assessments~~ as measured by statewide, standardized  
 175 assessments administered pursuant to s. 1008.22(3) ~~1008.22,~~  
 176 ~~including learning gains for students seeking a special diploma,~~  
 177 ~~as measured by an alternate assessment.~~

178        f. The percentage of eligible students who make Learning  
 179 Gains in mathematics as measured by statewide, standardized  
 180 assessments administered pursuant to s. 1008.22(3).

181        ~~g.e.~~ The percentage of eligible students in Improvement of  
 182 the lowest 25 percent in English Language Arts, as identified by

183 prior year performance on statewide, standardized assessments,  
 184 who make Learning Gains in English Language Arts as measured by  
 185 statewide, standardized assessments administered pursuant to s.  
 186 1008.22(3) 25th percentile of students in the school in reading  
 187 ~~or, upon transition to common core assessments, English Language~~  
 188 ~~Arts and Mathematics assessments administered pursuant to s.~~  
 189 ~~1008.22, unless these students are exhibiting satisfactory~~  
 190 ~~performance.~~

191 h. The percentage of eligible students in the lowest 25  
 192 percent in mathematics, as identified by prior year performance  
 193 on statewide, standardized assessments, who make Learning Gains  
 194 in mathematics as measured by statewide, standardized  
 195 assessments administered pursuant to s. 1008.22(3).

196  
 197 In calculating Learning Gains for the components listed in sub-  
 198 subparagraphs e.-h., the State Board of Education shall require  
 199 that learning growth toward achievement levels 3, 4, and 5 is  
 200 demonstrated by students who scored below each of those levels  
 201 in the prior year.

202 ~~2. Beginning with the 2011-2012 school year, for schools~~  
 203 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~  
 204 ~~school's grade shall include the performance and participation~~  
 205 ~~of its students enrolled in high school level courses with~~  
 206 ~~statewide, standardized assessments administered under s.~~  
 207 ~~1008.22. Performance and participation must be weighted equally.~~  
 208 ~~As valid data becomes available, the school grades shall include~~

209 ~~the students' attainment of national industry certification~~  
 210 ~~identified in the Industry Certification Funding List pursuant~~  
 211 ~~to rules adopted by the state board.~~

212 2.3. Beginning with the 2009-2010 school year For a school  
 213 schools comprised of high school grades 9, 10, 11, and 12, or  
 214 grades 10, 11, and 12, the school's grade at least 50 percent of  
 215 the school grade shall also be based on a combination of the  
 216 factors listed in sub-subparagraphs 1.a. c. and the remaining  
 217 percentage on the following components, each worth 100 points  
 218 factors:

219 a. The 4-year high school graduation rate of the school as  
 220 defined by state board rule.

221 b. The percentage of students who were eligible to earn  
 222 college credit through As valid data becomes available, the  
 223 performance and participation of the school's students in  
 224 College Board Advanced Placement examinations courses,  
 225 International Baccalaureate examinations courses, dual  
 226 enrollment courses, or and Advanced International Certificate of  
 227 Education examinations courses; or who, at any time during high  
 228 school, earned and the students' achievement of national  
 229 industry certification for which there is a statewide  
 230 articulation agreement and that is identified in the Industry  
 231 Certification Funding List, pursuant to rules adopted by the  
 232 state board.

233 (c)1. The calculation of a school grade shall be based on  
 234 the percentage of points earned from the components listed in

235 subparagraph (b)1. and, if applicable, subparagraph (b)2. The  
 236 State Board of Education shall adopt in rule a school grading  
 237 scale that sets the percentage of points needed to earn each of  
 238 the school grades listed in subsection (2). There shall be at  
 239 least five percentage points separating the percentage  
 240 thresholds needed to earn each of the school grades. The state  
 241 board shall periodically review the school grading scale to  
 242 determine if the scale should be adjusted upward to meet raised  
 243 expectations and encourage increased student performance.

244 2. The calculation of school grades may not include any  
 245 provision that would raise or lower the school's grade beyond  
 246 the percentage of points earned. Extra weight may not be added  
 247 to the calculation of any components.

248 ~~e. Postsecondary readiness of all of the school's on-time~~  
 249 ~~graduates as measured by the SAT, the ACT, the Postsecondary~~  
 250 ~~Education Readiness Test, or the common placement test;~~

251 ~~d. The high school graduation rate of at risk students,~~  
 252 ~~who score Level 1 or Level 2 on grade 8 FCAT Reading or the~~  
 253 ~~English Language Arts and mathematics assessments administered~~  
 254 ~~under s. 1008.22;~~

255 ~~e. As valid data becomes available, the performance of the~~  
 256 ~~school's students on statewide, standardized end of course~~  
 257 ~~assessments administered under s. 1008.22(3)(b)4. and 5.; and~~

258 ~~f. The growth or decline in the components listed in sub-~~  
 259 ~~subparagraphs a. e. from year to year.~~

260 ~~(c) Student assessment data used in determining school~~

261 ~~grades shall include:~~

262 ~~1. The aggregate scores of all eligible students enrolled~~  
 263 ~~in the school who have been assessed on statewide, standardized~~  
 264 ~~assessments in courses required for high school graduation,~~  
 265 ~~including, beginning with the 2011-2012 school year, the end-of-~~  
 266 ~~course assessment in Algebra I; and beginning with the 2012-2013~~  
 267 ~~school year, the end-of course assessments in Geometry and~~  
 268 ~~Biology I; and beginning with the 2014-2015 school year, on the~~  
 269 ~~statewide, standardized end-of course assessment in civics~~  
 270 ~~education at the middle grades level.~~

271 ~~2. The aggregate scores of all eligible students enrolled~~  
 272 ~~in the school who have been assessed on statewide, standardized~~  
 273 ~~assessments under s. 1008.22 and who have scored at or in the~~  
 274 ~~lowest 25th percentile of students in the school in reading and~~  
 275 ~~mathematics, unless these students are exhibiting satisfactory~~  
 276 ~~performance.~~

277 (d) The performance of students attending alternative  
 278 schools and students designated as hospital or homebound shall  
 279 be factored into a school grade as follows:

280 1.3. The student performance data for achievement scores  
 281 and learning gains of eligible students attending alternative  
 282 schools that provide dropout prevention and academic  
 283 intervention services pursuant to s. 1003.53 shall be included  
 284 in the calculation of the home school's grade. The term  
 285 "eligible students" in this subparagraph does not include  
 286 students attending an alternative school who are subject to

287 district school board policies for expulsion for repeated or  
 288 serious offenses, who are in dropout retrieval programs serving  
 289 students who have officially been designated as dropouts, or who  
 290 are in programs operated or contracted by the Department of  
 291 Juvenile Justice. ~~The student performance data for eligible~~  
 292 ~~students identified in this subparagraph shall be included in~~  
 293 ~~the calculation of the home school's grade.~~ As used in this  
 294 subparagraph and s. 1008.341, the term "home school" means the  
 295 school to which the student would be assigned if the student  
 296 were not assigned to an alternative school. If an alternative  
 297 school chooses to be graded under this section, student  
 298 performance data for eligible students identified in this  
 299 subparagraph shall not be included in the home school's grade  
 300 but shall be included only in the calculation of the alternative  
 301 school's grade. A school district that fails to assign  
 302 statewide, standardized end-of-course assessment scores of each  
 303 of its students to his or her home school or to the alternative  
 304 school that receives a grade shall forfeit Florida School  
 305 Recognition Program funds for 1 fiscal year. School districts  
 306 must require collaboration between the home school and the  
 307 alternative school in order to promote student success. This  
 308 collaboration must include an annual discussion between the  
 309 principal of the alternative school and the principal of each  
 310 student's home school concerning the most appropriate school  
 311 assignment of the student.

312 2.4- Student performance data for ~~The achievement scores~~

313 ~~and learning gains of~~ students designated as hospital or  
 314 homebound hospital ~~or homebound. Student assessment data for~~  
 315 ~~students designated as hospital or homebound~~ shall be assigned  
 316 to their home school for the purposes of school grades. As used  
 317 in this subparagraph, the term "home school" means the school to  
 318 which a student would be assigned if the student were not  
 319 assigned to a hospital or homebound hospital ~~or homebound~~  
 320 program.

321 ~~5. For schools comprised of high school grades 9, 10, 11,~~  
 322 ~~and 12, or grades 10, 11, and 12, the data listed in~~  
 323 ~~subparagraphs 1. 3. and the following data as the Department of~~  
 324 ~~Education determines such data are valid and available:~~

325 ~~a. The high school graduation rate of the school as~~  
 326 ~~calculated by the department;~~

327 ~~b. The participation rate of all eligible students~~  
 328 ~~enrolled in the school and enrolled in College Board Advanced~~  
 329 ~~Placement courses; International Baccalaureate courses; dual~~  
 330 ~~enrollment courses; Advanced International Certificate of~~  
 331 ~~Education courses; and courses or sequences of courses leading~~  
 332 ~~to national industry certification identified in the Industry~~  
 333 ~~Certification Funding List, pursuant to rules adopted by the~~  
 334 ~~State Board of Education;~~

335 ~~c. The aggregate scores of all eligible students enrolled~~  
 336 ~~in the school in College Board Advanced Placement courses,~~  
 337 ~~International Baccalaureate courses, and Advanced International~~  
 338 ~~Certificate of Education courses;~~



339 ~~d. Earning of college credit by all eligible students~~  
 340 ~~enrolled in the school in dual enrollment programs under s.~~  
 341 ~~1007.271;~~

342 ~~e. Earning of a national industry certification identified~~  
 343 ~~in the Industry Certification Funding List, pursuant to rules~~  
 344 ~~adopted by the State Board of Education;~~

345 ~~f. The aggregate scores of all eligible students enrolled~~  
 346 ~~in the school in reading, mathematics, and other subjects as~~  
 347 ~~measured by the SAT, the ACT, the Postsecondary Education~~  
 348 ~~Readiness Test, and the common placement test for postsecondary~~  
 349 ~~readiness;~~

350 ~~g. The high school graduation rate of all eligible at risk~~  
 351 ~~students enrolled in the school who scored Level 2 or lower on~~  
 352 ~~grade 8 FCAT Reading and FCAT Mathematics;~~

353 ~~h. The performance of the school's students on statewide,~~  
 354 ~~standardized end-of-course assessments administered under s.~~  
 355 ~~1008.22(3)(b)4. and 5.; and~~

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

358  
 359 ~~The State Board of Education shall adopt appropriate criteria~~  
 360 ~~for each school grade. The criteria must also give added weight~~  
 361 ~~to student achievement in reading. Schools earning a grade of~~  
 362 ~~"C," making satisfactory progress, shall be required to~~  
 363 ~~demonstrate that adequate progress has been made by students in~~  
 364 ~~the school who are in the lowest 25th percentile in reading and~~

365 ~~mathematics on statewide, standardized assessments under s.~~  
 366 ~~1008.22, unless these students are exhibiting satisfactory~~  
 367 ~~performance. For schools comprised of high school grades 9, 10,~~  
 368 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~  
 369 ~~grades must also give added weight to the graduation rate of all~~  
 370 ~~eligible at risk students. In order for a high school to earn a~~  
 371 ~~grade of "A," the school must demonstrate that its at risk~~  
 372 ~~students, as defined in this paragraph, are making adequate~~  
 373 ~~progress.~~

374 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~  
 375 ~~identify each school's performance as having improved, remained~~  
 376 ~~the same, or declined. This school improvement rating shall be~~  
 377 ~~based on a comparison of the current year's and previous year's~~  
 378 ~~student and school performance data. A school that improves its~~  
 379 ~~rating by at least one level is eligible for school recognition~~  
 380 ~~awards pursuant to s. 1008.36.~~

381 ~~(4)~~ (5) SCHOOL REPORT CARD.—The Department of Education  
 382 shall annually develop, in collaboration with the school  
 383 districts, a school report card to be provided by the school  
 384 district to parents within the district. The report card shall  
 385 include the school's grade; student performance in English  
 386 Language Arts, mathematics, science, and social studies;  
 387 information regarding school improvement; an explanation of  
 388 school performance as evaluated by the federal Elementary and  
 389 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.; and  
 390 indicators of return on investment. Each school's report card

391 shall be published annually by the department on its website  
 392 based upon the most recent data available.

393 ~~(6) PERFORMANCE BASED FUNDING. The Legislature may factor~~  
 394 ~~in the performance of schools in calculating any performance-~~  
 395 ~~based funding policy that is provided for annually in the~~  
 396 ~~General Appropriations Act.~~

397 ~~(5)(7) DISTRICT GRADE. The annual report required by~~  
 398 ~~subsection (1) shall include the school district's grade.~~  
 399 Beginning with the 2014-2015 school year, a school district's  
 400 grade shall include a district-level calculation of the  
 401 components under paragraph (3)(b) be calculated using student  
 402 performance and learning gains data on statewide assessments  
 403 used for determining school grades under subparagraph (3)(b)1.  
 404 for each eligible student enrolled for a full school year in the  
 405 district. This calculation methodology captures each eligible  
 406 student in the district who may have transferred among schools  
 407 within the district or is enrolled in a school that does not  
 408 receive a grade. The department shall develop a district report  
 409 card that includes the district's grade; measures of the  
 410 district's progress in closing the achievement gap between  
 411 higher-performing student subgroups and lower-performing student  
 412 subgroups; measures of the district's progress in demonstrating  
 413 Learning Gains of its highest-performing students; measures of  
 414 the district's success in improving student attendance; the  
 415 district's grade-level promotion of students scoring achievement  
 416 levels 1 and 2 on statewide, standardized English Language Arts

417 and mathematics assessments; and measures of the district's  
 418 performance in preparing students for the transition from  
 419 elementary to middle school, middle to high school, and high  
 420 school to postsecondary institutions and careers.

421 (6) (8) RULES.—The State Board of Education shall adopt  
 422 rules under ss. 120.536(1) and 120.54 to administer this  
 423 section.

424 (7) TRANSITION.—School grades and school improvement  
 425 ratings pursuant to s. 1008.341 for the 2013-2014 school year  
 426 shall be calculated based on statutes and rules in effect on  
 427 June 30, 2014. To assist in the transition to 2014-2015 school  
 428 grades and school improvement ratings pursuant to s. 1008.341  
 429 that are calculated based on new statewide, standardized  
 430 assessments administered pursuant to s. 1008.22, the 2014-2015  
 431 school grades shall serve as an informational baseline for  
 432 schools to work toward improved performance in future years.  
 433 Accordingly, notwithstanding any other provision of law:

434 (a) A school may not be required to select and implement a  
 435 turnaround option pursuant to s. 1008.33 in the 2015-2016 school  
 436 year based on the school's 2014-2015 grade or school improvement  
 437 rating under s. 1008.341, as applicable.

438 (b)1. A school or approved provider under s. 1002.45 that  
 439 receives the same or a lower school grade or school improvement  
 440 rating for the 2014-2015 school year compared to the 2013-2014  
 441 school year is not subject to sanctions or penalties that would  
 442 otherwise occur as a result of the 2014-2015 school grade or

443 rating. A charter school system or a school district designated  
 444 as high performing may not lose the designation based on the  
 445 2014-2015 school grades of any of the schools within the charter  
 446 school system or school district, as applicable.

447 2. The Florida School Recognition Program established  
 448 under s. 1008.36 shall continue to be implemented as otherwise  
 449 provided in the General Appropriations Act.

450 (c) For purposes of determining grade 3 retention pursuant  
 451 to s. 1008.25(5) and high school graduation pursuant to s.  
 452 1003.4282, student performance on the 2014-2015 statewide,  
 453 standardized assessments shall be linked to 2013-2014 student  
 454 performance expectations.

455  
 456 This subsection is repealed July 1, 2017.

457 Section 2. Subsections (2), (3), and (4) of section  
 458 1008.341, Florida Statutes, are amended to read:

459 1008.341 School improvement rating for alternative  
 460 schools.—

461 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a  
 462 school that provides dropout prevention and academic  
 463 intervention services pursuant to s. 1003.53. An alternative  
 464 school shall receive a school improvement rating pursuant to  
 465 this section unless the school earns a school grade pursuant to  
 466 s. 1008.34. ~~An Beginning with the 2013-2014 school year, each~~  
 467 alternative school that chooses to receive a school improvement  
 468 rating shall receive a school improvement rating if the number

469 of its students for whom student performance data on statewide,  
 470 standardized assessments pursuant to s. 1008.22 which is  
 471 available for the current year and previous year meets or  
 472 exceeds the minimum sample size of 10. If an alternative school  
 473 does not have at least 10 students with complete data for a  
 474 component listed in subsection (3), that component may not be  
 475 used in calculating the school's improvement rating. The  
 476 calculation of the school improvement rating shall be based on  
 477 the percentage of points earned from the components listed in  
 478 subsection (3). An alternative school that tests at least 80  
 479 percent of its students may receive a school improvement rating.  
 480 If an alternative school tests less than 90 percent of its  
 481 students, the school may not earn a rating higher than  
 482 "maintaining." Beginning with the 2016-2017 school year, if an  
 483 alternative school does not meet the requirements for the  
 484 issuance of a school improvement rating in the current year and  
 485 has failed to receive a school improvement rating for the prior  
 486 2 consecutive years, the school shall receive a rating for the  
 487 current year based upon a compilation of all student Learning  
 488 Gains for all grade levels for those 3 years. Likewise, if the  
 489 school fails to meet the requirements for a rating the following  
 490 year or any year thereafter, the school's rating shall be based  
 491 on a compilation of student Learning Gains achieved during the  
 492 current and prior 2 years. The school improvement rating shall  
 493 identify an alternative school as having one of the following  
 494 ratings defined according to rules of the State Board of

495 Education:

496 (a) "Commendable" ~~"Improving"~~ means a significant  
 497 percentage of the students attending the school are making  
 498 Learning Gains ~~more academic progress than when the students~~  
 499 ~~were served in their home schools.~~

500 (b) "Maintaining" means a sufficient percentage of the  
 501 students attending the school are making Learning Gains ~~progress~~  
 502 ~~equivalent to the progress made when the students were served in~~  
 503 ~~their home schools.~~

504 (c) "Unsatisfactory" ~~"Declining"~~ means an insufficient  
 505 percentage of the students attending the school are making  
 506 Learning Gains ~~less academic progress than when the students~~  
 507 ~~were served in their home schools.~~

508  
 509 ~~The school improvement rating shall be based on a comparison of~~  
 510 ~~student performance data for the current year and previous year.~~  
 511 Schools that improve at least one level or maintain a  
 512 "commendable" ~~an "improving"~~ rating pursuant to this section are  
 513 eligible for school recognition awards pursuant to s. 1008.36.

514 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING. ~~Student data~~  
 515 ~~used in determining an alternative school's school improvement~~  
 516 ~~rating shall include:~~

517 (a) Student Learning Gains ~~performance results~~ based on  
 518 statewide, standardized assessments, including retakes,  
 519 administered under s. 1008.22 for all eligible students who were  
 520 assigned to and enrolled in the school during the October or

521 February FTE count and who have assessment scores or comparable  
 522 scores for the preceding school year shall be used in  
 523 determining an alternative school's school improvement rating.  
 524 An alternative school's rating shall be based on the following  
 525 components:

526 (a) The percentage of eligible students who make Learning  
 527 Gains in English Language Arts as measured by statewide,  
 528 standardized assessments administered pursuant to s. 1008.22(3).

529 (b) The percentage of eligible students who make Learning  
 530 Gains in mathematics as measured by statewide, standardized  
 531 assessments administered pursuant to s. 1008.22(3).

532 ~~(b) Student performance results based on statewide,~~  
 533 ~~standardized assessments, including retakes, administered under~~  
 534 ~~s. 1008.22 for all eligible students who were assigned to and~~  
 535 ~~enrolled in the school during the October or February FTE count~~  
 536 ~~and who have scored in the lowest 25th percentile of students in~~  
 537 ~~the state on FCAT Reading.~~

538  
 539 Student performance results of students who are subject to  
 540 district school board policies for expulsion for repeated or  
 541 serious offenses, who are in dropout retrieval programs serving  
 542 students who have officially been designated as dropouts, or who  
 543 are in programs operated or contracted by the Department of  
 544 Juvenile Justice may not be included in an alternative school's  
 545 school improvement rating.

546 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each



547 alternative school receiving a school improvement rating, the  
 548 Department of Education shall annually identify the percentage  
 549 of students making Learning Gains consistent with s. 1008.34(3)  
 550 ~~as compared to the percentage of the same students making~~  
 551 ~~learning gains in their home schools in the year prior to being~~  
 552 ~~assigned to the alternative school.~~

553 Section 3. Subsection (2) of section 1008.3415, Florida  
 554 Statutes, is amended to read:

555 1008.3415 School grade or school improvement rating for  
 556 exceptional student education centers.—

557 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(e)3.~~, the  
 558 achievement levels ~~scores~~ and Learning Gains of a student with a  
 559 disability who attends an exceptional student education center  
 560 and has not been enrolled in or attended a public school other  
 561 than an exceptional student education center for grades K-12  
 562 within the school district shall not be included in the  
 563 calculation of the home school's grade if the student is  
 564 identified as an emergent student on the alternate assessment  
 565 tool described in s. 1008.22(3)(c) ~~1008.22(3)(e)13.~~

566 Section 4. Subsection (18) of section 1001.42, Florida  
 567 Statutes, is amended to read:

568 1001.42 Powers and duties of district school board.—The  
 569 district school board, acting as a board, shall exercise all  
 570 powers and perform all duties listed below:

571 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 572 Maintain a ~~state~~ system of school improvement and education

573 accountability as provided by statute and State Board of  
 574 Education rule. This system of school improvement and education  
 575 accountability shall be consistent with, and implemented  
 576 through, the district's continuing system of planning and  
 577 budgeting required by this section and ss. 1008.385, 1010.01,  
 578 and 1011.01. This system of school improvement and education  
 579 accountability shall comply with the provisions of ss. 1008.33,  
 580 1008.34, 1008.345, and 1008.385 and include the following:

581 (a) School improvement plans.—The district school board  
 582 shall annually approve and require implementation of a new,  
 583 amended, or continuation school improvement plan for each school  
 584 in the district. If a school has a significant gap in  
 585 achievement on statewide, standardized assessments administered  
 586 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student  
 587 subgroups, as defined in the federal Elementary and Secondary  
 588 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
 589 significantly increased ~~decreased~~ the percentage of students  
 590 passing scoring below satisfactory on statewide, standardized  
 591 assessments; has not significantly increased the percentage of  
 592 students demonstrating Learning Gains, as defined in s. 1008.34  
 593 and calculated under s. 1008.34(3)(b), who passed statewide,  
 594 standardized assessments; or has significantly lower graduation  
 595 rates for a subgroup when compared to the state's graduation  
 596 rate, that school's improvement plan shall include strategies  
 597 for improving these results. The state board shall adopt rules  
 598 establishing thresholds and for determining compliance with this

599 paragraph.

600 (b) Public disclosure.—The district school board shall  
 601 provide information regarding the performance of students and  
 602 educational programs as required pursuant to ss. 1008.22 and  
 603 1008.385 and implement a system of school reports as required by  
 604 statute and State Board of Education rule which shall include  
 605 schools operating for the purpose of providing educational  
 606 services to youth in Department of Juvenile Justice programs,  
 607 and for those schools, report on the elements specified in s.  
 608 1003.52(19). Annual public disclosure reports shall be in an  
 609 easy-to-read report card format and shall include the school's  
 610 grade, high school graduation rate calculated without GED tests,  
 611 disaggregated by student ethnicity, and performance data as  
 612 specified in state board rule.

613 (c) School improvement funds.—The district school board  
 614 shall provide funds to schools for developing and implementing  
 615 school improvement plans. Such funds shall include those funds  
 616 appropriated for the purpose of school improvement pursuant to  
 617 s. 24.121(5)(c).

618 Section 5. Paragraph (n) of subsection (9) and paragraph  
 619 (b) of subsection (21) of section 1002.33, Florida Statutes, are  
 620 amended to read:

621 1002.33 Charter schools.—

622 (9) CHARTER SCHOOL REQUIREMENTS.—

623 (n)1. The director and a representative of the governing  
 624 board of a charter school that has earned a grade of "D" or "F"

625 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the  
 626 sponsor to present information concerning each contract  
 627 component having noted deficiencies. The director and a  
 628 representative of the governing board shall submit to the  
 629 sponsor for approval a school improvement plan to raise student  
 630 performance achievement. Upon approval by the sponsor, the  
 631 charter school shall begin implementation of the school  
 632 improvement plan. The department shall offer technical  
 633 assistance and training to the charter school and its governing  
 634 board and establish guidelines for developing, submitting, and  
 635 approving such plans.

636 2.a. If a charter school earns three consecutive grades of  
 637 "D," two consecutive grades of "D" followed by a grade of "F,"  
 638 or two nonconsecutive grades of "F" within a 3-year period, the  
 639 charter school governing board shall choose one of the following  
 640 corrective actions:

641 (I) Contract for educational services to be provided  
 642 directly to students, instructional personnel, and school  
 643 administrators, as prescribed in state board rule;

644 (II) Contract with an outside entity that has a  
 645 demonstrated record of effectiveness to operate the school;

646 (III) Reorganize the school under a new director or  
 647 principal who is authorized to hire new staff; or

648 (IV) Voluntarily close the charter school.

649 b. The charter school must implement the corrective action  
 650 in the school year following receipt of a third consecutive

651 grade of "D," a grade of "F" following two consecutive grades of  
 652 "D," or a second nonconsecutive grade of "F" within a 3-year  
 653 period.

654 c. The sponsor may annually waive a corrective action if  
 655 it determines that the charter school is likely to improve a  
 656 letter grade if additional time is provided to implement the  
 657 intervention and support strategies prescribed by the school  
 658 improvement plan. Notwithstanding this sub-subparagraph, a  
 659 charter school that earns a second consecutive grade of "F" is  
 660 subject to subparagraph 4.

661 d. A charter school is no longer required to implement a  
 662 corrective action if it improves by at least one letter grade.  
 663 However, the charter school must continue to implement  
 664 strategies identified in the school improvement plan. The  
 665 sponsor must annually review implementation of the school  
 666 improvement plan to monitor the school's continued improvement  
 667 pursuant to subparagraph 5.

668 e. A charter school implementing a corrective action that  
 669 does not improve by at least one letter grade after 2 full  
 670 school years of implementing the corrective action must select a  
 671 different corrective action. Implementation of the new  
 672 corrective action must begin in the school year following the  
 673 implementation period of the existing corrective action, unless  
 674 the sponsor determines that the charter school is likely to  
 675 improve a letter grade if additional time is provided to  
 676 implement the existing corrective action. Notwithstanding this

677 sub-subparagraph, a charter school that earns a second  
 678 consecutive grade of "F" while implementing a corrective action  
 679 is subject to subparagraph 4.

680 3. A charter school with a grade of "D" or "F" that  
 681 improves by at least one letter grade must continue to implement  
 682 the strategies identified in the school improvement plan. The  
 683 sponsor must annually review implementation of the school  
 684 improvement plan to monitor the school's continued improvement  
 685 pursuant to subparagraph 5.

686 4. The sponsor shall terminate a charter if the charter  
 687 school earns two consecutive grades of "F" unless:

688 a. The charter school is established to turn around the  
 689 performance of a district public school pursuant to s.  
 690 1008.33(4)(b)3. Such charter schools shall be governed by s.  
 691 1008.33;

692 b. The charter school serves a student population the  
 693 majority of which resides in a school zone served by a district  
 694 public school that earned a grade of "F" in the year before the  
 695 charter school opened and the charter school earns at least a  
 696 grade of "D" in its third year of operation. The exception  
 697 provided under this sub-subparagraph does not apply to a charter  
 698 school in its fourth year of operation and thereafter; or

699 c. The state board grants the charter school a waiver of  
 700 termination. The charter school must request the waiver within  
 701 15 days after the department's official release of school  
 702 grades. The state board may waive termination if the charter

703 school demonstrates that the Learning Gains of its students on  
 704 statewide assessments are comparable to or better than the  
 705 Learning Gains of similarly situated students enrolled in nearby  
 706 district public schools. The waiver is valid for 1 year and may  
 707 only be granted once. Charter schools that have been in  
 708 operation for more than 5 years are not eligible for a waiver  
 709 under this sub-subparagraph.

710 5. The director and a representative of the governing  
 711 board of a graded charter school that has implemented a school  
 712 improvement plan under this paragraph shall appear before the  
 713 sponsor at least once a year to present information regarding  
 714 the progress of intervention and support strategies implemented  
 715 by the school pursuant to the school improvement plan and  
 716 corrective actions, if applicable. The sponsor shall communicate  
 717 at the meeting, and in writing to the director, the services  
 718 provided to the school to help the school address its  
 719 deficiencies.

720 6. Notwithstanding any provision of this paragraph except  
 721 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
 722 at any time pursuant to subsection (8).

723 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

724 (b)1. The Department of Education shall report to each  
 725 charter school receiving a school grade pursuant to s. 1008.34  
 726 or a school improvement rating pursuant to s. 1008.341 the  
 727 school's student assessment data pursuant to s. 1008.34(3)(c)  
 728 ~~which is reported to schools that receive a school grade or~~

729 ~~student assessment data pursuant to s. 1008.341(3) which is~~  
 730 ~~reported to alternative schools that receive a school~~  
 731 ~~improvement rating to each charter school that:~~

732 ~~a. Does not receive a school grade pursuant to s. 1008.34~~  
 733 ~~or a school improvement rating pursuant to s. 1008.341; and~~

734 ~~b. Serves at least 10 students who are tested on the~~  
 735 ~~statewide assessment test pursuant to s. 1008.22.~~

736 2. The charter school shall report the information in  
 737 subparagraph 1. to each parent of a student at the charter  
 738 school, the parent of a child on a waiting list for the charter  
 739 school, the district in which the charter school is located, and  
 740 the governing board of the charter school. This paragraph does  
 741 not abrogate the provisions of s. 1002.22, relating to student  
 742 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
 743 Educational Rights and Privacy Act.

744 3.a. Pursuant to this paragraph, the Department of  
 745 Education shall compare the charter school student performance  
 746 data for each charter school in subparagraph 1. with the student  
 747 performance data in traditional public schools in the district  
 748 in which the charter school is located and other charter schools  
 749 in the state. For alternative charter schools, the department  
 750 shall compare the student performance data described in this  
 751 paragraph with all alternative schools in the state. The  
 752 comparative data shall be provided by the following grade  
 753 groupings:

754 (I) Grades 3 through 5;



755 (II) Grades 6 through 8; and

756 (III) Grades 9 through 11.

757 b. Each charter school shall provide the information  
 758 specified in this paragraph on its Internet website and also  
 759 provide notice to the public at large in a manner provided by  
 760 the rules of the State Board of Education. The State Board of  
 761 Education shall adopt rules to administer the notice  
 762 requirements of this subparagraph pursuant to ss. 120.536(1) and  
 763 120.54. The website shall include, through links or actual  
 764 content, other information related to school performance.

765 Section 6. Paragraphs (a) and (d) of subsection (1) of  
 766 section 1003.621, Florida Statutes, are amended to read:

767 1003.621 Academically high-performing school districts.—It  
 768 is the intent of the Legislature to recognize and reward school  
 769 districts that demonstrate the ability to consistently maintain  
 770 or improve their high-performing status. The purpose of this  
 771 section is to provide high-performing school districts with  
 772 flexibility in meeting the specific requirements in statute and  
 773 rules of the State Board of Education.

774 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

775 (a) A school district is an academically high-performing  
 776 school district if it meets the following criteria:

777 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a  
 778 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive  
 779 years; and

780 b. Has no district-operated school that earns a grade of

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781 "F" under s. 1008.34;  
 782 2. Complies with all class size requirements in s. 1, Art.  
 783 IX of the State Constitution and s. 1003.03; and  
 784 3. Has no material weaknesses or instances of material  
 785 noncompliance noted in the annual financial audit conducted  
 786 pursuant to s. 11.45 or s. 218.39.

787 (d) In order to maintain the designation as an  
 788 academically high-performing school district pursuant to this  
 789 section, a school district must meet the following requirements:

- 790 1. Comply with the provisions of subparagraphs (a)2. and
- 791 3.; and
- 792 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2
- 793 years within a 3-year period.

794  
 795 However, a district in which a district-operated school earns a  
 796 grade of "F" under s. 1008.34 during the 3-year period may not  
 797 continue to be designated as an academically high-performing  
 798 school district during the remainder of that 3-year period. The  
 799 district must meet the criteria in paragraph (a) in order to be  
 800 redesignated as an academically high-performing school district.

801 Section 7. Paragraph (b) of subsection (1) of section  
 802 1008.31, Florida Statutes, is amended to read:

803 1008.31 Florida's K-20 education performance  
 804 accountability system; legislative intent; mission, goals, and  
 805 systemwide measures; data quality improvements.—

806 (1) LEGISLATIVE INTENT.—It is the intent of the

807 Legislature that:

808 (b) The K-20 education performance accountability system  
 809 be established as a single, unified accountability system with  
 810 multiple components, including, but not limited to, ~~measures of~~  
 811 ~~adequate yearly progress, individual~~ student performance  
 812 ~~learning gains in public schools and,~~ school and district  
 813 ~~grades, and return on investment.~~

814 Section 8. Subsection (2) of section 1008.33, Florida  
 815 Statutes, is amended to read:

816 1008.33 Authority to enforce public school improvement.—

817 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
 818 1008.345, and 1008.385, the State Board of Education shall hold  
 819 all school districts and public schools accountable for student  
 820 performance. The state board is responsible for a state system  
 821 of school improvement and education accountability that assesses  
 822 student performance by school, identifies schools that in which  
 823 ~~students are not meeting accountability making adequate progress~~  
 824 ~~toward state standards,~~ and institutes appropriate measures for  
 825 enforcing improvement.

826 (b) The state system of school improvement and education  
 827 accountability must provide for uniform accountability  
 828 standards, provide assistance of escalating intensity to ~~low-~~  
 829 ~~performing~~ schools not meeting accountability standards, direct  
 830 support to schools in order to improve and sustain performance,  
 831 focus on the performance of student subgroups, and enhance  
 832 student performance.

833 (c) School districts must be held accountable for  
 834 improving the academic performance ~~achievement~~ of all students  
 835 and for identifying and improving ~~turning around low performing~~  
 836 schools that fail to meet the accountability standards.

837 Section 9. Paragraph (a) of subsection (2) of section  
 838 1011.64, Florida Statutes, is amended to read:

839 1011.64 School district minimum classroom expenditure  
 840 requirements.—

841 (2) For the purpose of implementing the provisions of this  
 842 section, the Legislature shall prescribe minimum academic  
 843 performance standards and minimum classroom expenditure  
 844 requirements for districts not meeting such minimum academic  
 845 performance standards in the General Appropriations Act.

846 (a) Minimum academic performance standards may be based  
 847 on, but are not limited to, district grades determined pursuant  
 848 to s. 1008.34 ~~1008.34(7)~~.

849 Section 10. Subsection (6) of section 1008.22, Florida  
 850 Statutes, is amended to read:

851 1008.22 Student assessment program for public schools.—

852 (6) LOCAL ASSESSMENTS.—

853 (a) Measurement of student performance ~~learning gains~~ in  
 854 all subjects and grade levels, except those subjects and grade  
 855 levels measured under the statewide, standardized assessment  
 856 program described in this section, is the responsibility of the  
 857 school districts.

858 (b) Except for those subjects and grade levels measured

859 under the statewide, standardized assessment program, beginning  
 860 with the 2014-2015 school year, each school district shall  
 861 administer for each course offered in the district a local  
 862 student assessment that measures student mastery of course the  
 863 content, as described in the state adopted course description,  
 864 at the necessary level of rigor for the course. As adopted  
 865 pursuant to State Board of Education rule, course content is set  
 866 forth in the state standards required by s. 1003.41 and in the  
 867 course description. Local ~~Such~~ assessments may include:

- 868 1. Statewide assessments.
- 869 2. Other standardized assessments, including nationally  
 870 recognized standardized assessments.
- 871 3. Industry certification assessments examinations.
- 872 4. District-developed or district-selected end-of-course  
 873 assessments.
- 874 5. Teacher-selected or principal-selected assessments.

875 (c) Each district school board must adopt policies for  
 876 selection, development, administration, and scoring of local  
 877 assessments and for collection of assessment results. Local  
 878 assessments implemented under subparagraphs (b)4. and 5. may  
 879 include a variety of assessment formats, including, but not  
 880 limited to, project-based assessments, adjudicated performances,  
 881 and practical application assignments. For all English Language  
 882 Arts, mathematics, science, and social studies courses offered  
 883 in the district that are used to meet graduation requirements  
 884 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are

885 not otherwise assessed by statewide, standardized assessments,  
 886 the district school board must select the assessments described  
 887 in subparagraphs (b)1.-4.

888 (d)~~(e)~~ The Commissioner of Education shall identify  
 889 methods to assist and support districts in the development and  
 890 acquisition of assessments required under this subsection.  
 891 Methods may include developing item banks, facilitating the  
 892 sharing of developed tests among school districts, acquiring  
 893 assessments from state and national curriculum-area  
 894 organizations, and providing technical assistance in best  
 895 professional practices of test development based upon state-  
 896 adopted curriculum standards, administration, and security.

897 (e)~~(d)~~ Each school district shall establish schedules for  
 898 the administration of any district-mandated assessment and  
 899 approve the schedules as an agenda item at a district school  
 900 board meeting. The school district shall publish the testing  
 901 schedules on its website, clearly specifying the district-  
 902 mandated assessments, and report the schedules to the Department  
 903 of Education by October 1 of each year.

904 Section 11. Subsections (1), (7), and (8) of section  
 905 1012.34, Florida Statutes, are amended, and subsections (9) and  
 906 (10) are added to that section, to read:

907 1012.34 Personnel evaluation procedures and criteria.—

908 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

909 (a) For the purpose of increasing student academic  
 910 performance ~~learning-growth~~ by improving the quality of

911 instructional, administrative, and supervisory services in the  
 912 public schools of the state, the district school superintendent  
 913 shall establish procedures for evaluating the performance of  
 914 duties and responsibilities of all instructional,  
 915 administrative, and supervisory personnel employed by the school  
 916 district. The district school superintendent shall ~~annually~~  
 917 report accurate student rosters for the purpose of calculating  
 918 district and statewide student performance and annually report  
 919 the evaluation results of instructional personnel and school  
 920 administrators to the Department of Education in addition to the  
 921 information required under subsection (5).

922 (b) The department must approve each school district's  
 923 instructional personnel and school administrator evaluation  
 924 systems. The department shall monitor each district's  
 925 implementation of its instructional personnel and school  
 926 administrator evaluation systems for compliance with the  
 927 requirements of this section.

928 (c) Annually, by December 1, ~~2012~~, the Commissioner of  
 929 Education shall report to the Governor, the President of the  
 930 Senate, and the Speaker of the House of Representatives the  
 931 approval and implementation status of each school district's  
 932 instructional personnel and school administrator evaluation  
 933 systems. The report shall include performance evaluation results  
 934 for the prior school year for instructional personnel and school  
 935 administrators using the four levels of performance specified in  
 936 paragraph (2)(e). The performance evaluation results for

937 instructional personnel shall be disaggregated by classroom  
 938 teachers, as defined in s. 1012.01(2)(a), excluding substitute  
 939 teachers, and all other instructional personnel, as defined in  
 940 s. 1012.01(2)(b)-(d). The commissioner shall include in the  
 941 report each district's performance-level standards established  
 942 under subsection (7), a comparative analysis of the district's  
 943 student academic performance results and evaluation results,  
 944 data reported under s. 1012.341, continue to report, by December  
 945 ~~1 each year thereafter, each school district's performance~~  
 946 ~~evaluation results~~ and the status of any evaluation system  
 947 revisions requested by a school district pursuant to subsection  
 948 (6).

949 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

950 (a) ~~By June 1, 2011,~~ The Commissioner of Education shall  
 951 approve a formula to measure individual student learning growth  
 952 on the statewide, standardized assessments in English Language  
 953 Arts and mathematics on the Florida Comprehensive Assessment  
 954 Test (FCAT) administered under s. 1008.22 ~~1008.22(3)(e)1~~. The  
 955 formula must take into consideration each student's prior  
 956 academic performance. The formula must not set different  
 957 expectations for student learning growth based upon a student's  
 958 gender, race, ethnicity, or socioeconomic status. In the  
 959 development of the formula, the commissioner shall consider  
 960 other factors such as a student's attendance record, disability  
 961 status, or status as an English language learner. The  
 962 commissioner shall select additional formulas as appropriate for



963 the remainder of the statewide assessments included under s.  
 964 1008.22 and continue to select formulas as new assessments are  
 965 implemented in the state system. After the commissioner approves  
 966 the formula to measure individual student learning growth ~~on the~~  
 967 ~~FCAT and as additional formulas are selected by the commissioner~~  
 968 ~~for new assessments implemented in the state system,~~ the State  
 969 Board of Education shall adopt these formulas in ~~by~~ rule.

970 (b) ~~Beginning in the 2011-2012 school year,~~ Each school  
 971 district shall measure student learning growth using the  
 972 formulas ~~formula~~ approved by the commissioner under paragraph  
 973 (a) for courses associated with the statewide, standardized  
 974 assessments administered FCAT. ~~Each school district shall~~  
 975 ~~implement the additional student learning growth measures~~  
 976 ~~selected by the commissioner under paragraph (a) for the~~  
 977 ~~remainder of the statewide assessments included under s. 1008.22~~  
 978 no later than the school year immediately following the year the  
 979 formula is approved by the commissioner as they become  
 980 available. ~~Beginning in the 2014-2015 school year,~~ For grades  
 981 and subjects not assessed by statewide, standardized assessments  
 982 but otherwise assessed as required under s. 1008.22(6)  
 983 ~~1008.22(8),~~ each school district shall measure performance of  
 984 students ~~student learning growth~~ using a methodology determined  
 985 by the district ~~an equally appropriate formula.~~ The department  
 986 shall provide models for measuring performance of students  
 987 ~~student learning growth~~ which school districts may adopt.

988 (c) For a course that is not measured by a statewide,

989 standardized assessment, a school district may request, through  
 990 the evaluation system approval process, to use a student's  
 991 ~~student~~ achievement level ~~measure~~ rather than a student learning  
 992 growth ~~measure~~ if achievement is demonstrated to be a more  
 993 appropriate measure of classroom teacher performance. A school  
 994 district may also request to use a combination of student  
 995 learning growth and achievement, if appropriate.

996 (d) ~~For If the student learning growth in a course that is~~  
 997 ~~not measured by a statewide, standardized assessment but is~~  
 998 ~~measured by a school district assessment,~~ a school district may  
 999 request, through the evaluation system approval process, that  
 1000 the performance evaluation for the classroom teacher assigned to  
 1001 that course include the learning growth of his or her students  
 1002 on one or more statewide, standardized assessments FCAT Reading  
 1003 ~~or FCAT Mathematics~~. The request must clearly explain the  
 1004 rationale supporting the request. ~~However, the classroom~~  
 1005 ~~teacher's performance evaluation must give greater weight to~~  
 1006 ~~student learning growth on the district assessment.~~

1007 (e) For purposes of this section and only for the 2014-  
 1008 2015 school year, a school district may use measurable learning  
 1009 targets on local assessments administered under s. 1008.22(6) to  
 1010 evaluate the performance of students portion of a classroom  
 1011 teacher's evaluation for courses that are not assessed by  
 1012 statewide, standardized assessments. ~~classroom teachers of~~  
 1013 ~~courses for which the district has not implemented appropriate~~  
 1014 ~~assessments under s. 1008.22(8) or for which the school district~~

1015 ~~has not adopted an equally appropriate measure of student~~  
 1016 ~~learning growth under paragraphs (b) (d), student learning~~  
 1017 ~~growth must be measured by the growth in learning of the~~  
 1018 ~~classroom teacher's students on statewide assessments, or, for~~  
 1019 ~~courses in which enrolled students do not take the statewide~~  
 1020 ~~assessments, measurable Learning targets must be established~~  
 1021 ~~based upon the goals of the school improvement plan and approved~~  
 1022 ~~by the school principal. A district school superintendent may~~  
 1023 ~~assign to instructional personnel in an instructional team the~~  
 1024 ~~student learning growth of the instructional team's students on~~  
 1025 ~~statewide assessments. This paragraph expires July 1, 2015.~~

1026 (8) RULEMAKING.—The State Board of Education shall adopt  
 1027 rules pursuant to ss. 120.536(1) and 120.54 which establish  
 1028 uniform procedures for the submission, review, and approval of  
 1029 district evaluation systems and reporting requirements for the  
 1030 annual evaluation of instructional personnel and school  
 1031 administrators; specific, discrete standards for each  
 1032 performance level required under subsection (2) to ensure clear  
 1033 and sufficient differentiation in the performance levels and to  
 1034 provide consistency in meaning across school districts; the  
 1035 measurement of student learning growth and associated  
 1036 implementation procedures required under subsection (7); a  
 1037 ~~process to permit instructional personnel to review the class~~  
 1038 ~~roster for accuracy and to correct any mistakes relating to the~~  
 1039 ~~identity of students for whom the individual is responsible; and~~  
 1040 a process for monitoring school district implementation of

1041 | evaluation systems in accordance with this section.  
 1042 | Specifically, the rules shall establish a student performance  
 1043 | levels learning growth standard that if not met will result in  
 1044 | the employee receiving an unsatisfactory performance evaluation  
 1045 | rating. In like manner, the rules shall establish a student  
 1046 | performance level learning growth standard that must be met in  
 1047 | order for an employee to receive a highly effective rating and a  
 1048 | student learning growth standard that must be met in order for  
 1049 | an employee to receive an effective rating.

1050 |         (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED  
 1051 | ASSESSMENTS.—Standards for each performance level required under  
 1052 | subsection (2) shall be established by the State Board of  
 1053 | Education beginning with the 2015-2016 school year.

1054 |         (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON  
 1055 | EVALUATION PROGRESS.—School districts are eligible for bonus  
 1056 | rewards as provided for in the 2014 General Appropriations Act  
 1057 | for making outstanding progress toward educator effectiveness,  
 1058 | including implementation of instructional personnel salaries  
 1059 | based on performance results under s. 1012.34 and the use of  
 1060 | local assessment results in personnel evaluations when  
 1061 | statewide, standardized assessments are not administered.

1062 |         Section 12. Section 1012.341, Florida Statutes, is amended  
 1063 | to read:

1064 |             1012.341 Exemption from performance evaluation system and  
 1065 | compensation and salary schedule requirements.—

1066 |             (1) Hillsborough County ~~Notwithstanding any other~~

1067 ~~provision of this act, a School District that received an~~  
 1068 exemption under Florida's Race to the Top Memorandum of  
 1069 Understanding for Phase 2, as provided in s. (D)(2)(ii) of the  
 1070 memorandum. Accordingly, notwithstanding any other provision of  
 1071 law, Hillsborough County School District, is allowed to base 40  
 1072 percent, instead of 50 percent, of instructional personnel and  
 1073 school administrator performance evaluations upon student  
 1074 performance learning growth under s. 1012.34, ~~as amended by this~~  
 1075 act. The school district is also exempt from the amendments to  
 1076 s. 1012.22(1)(c) made by chapter 2011-1, Laws of Florida ~~this~~  
 1077 act. The exemptions described in this subsection are effective  
 1078 beginning with ~~for~~ the 2011-2012 school year and until the  
 1079 expiration of this section ~~are effective for each school year~~  
 1080 ~~thereafter if the school district receives annual approval by~~  
 1081 ~~the State Board of Education.~~

1082 (2) By October 1, 2014, and by October 1 annually  
 1083 thereafter, the superintendent of Hillsborough County School  
 1084 District shall attest, in writing, to the Commissioner of  
 1085 Education that ~~The State Board of Education shall base its~~  
 1086 ~~approval upon demonstration by the school district of the~~  
 1087 ~~following:~~

1088 (a) The instructional personnel and school administrator  
 1089 evaluation systems base at least 40 percent of an employee's  
 1090 performance evaluation upon student performance and that student  
 1091 performance is the single greatest component of an employee's  
 1092 evaluation.

1093 (b) The instructional personnel and school administrator  
 1094 evaluation systems adopt the Commissioner of Education's student  
 1095 learning growth formula for statewide assessments as provided  
 1096 under s. 1012.34(7).

1097 (c) The school district's instructional personnel and  
 1098 school administrator compensation system awards salary increases  
 1099 based upon sustained student performance.

1100 (d) The school district's contract system awards  
 1101 instructional personnel and school administrators based upon  
 1102 student performance and removes ineffective employees.

1103 ~~(e) Beginning with the 2014-2015 school year and each~~  
 1104 ~~school year thereafter, student learning growth based upon~~  
 1105 ~~performance on statewide assessments under s. 1008.22 must have~~  
 1106 ~~significantly improved compared to student learning growth in~~  
 1107 ~~the district in 2011-2012 and significantly improved compared to~~  
 1108 ~~other school districts.~~

1109 (3) Failure to comply with subsection (2) is grounds for  
 1110 the State Board of Education, at a public hearing, to revoke the  
 1111 exemption ~~The State Board of Education shall annually renew a~~  
 1112 ~~school district's exemptions if the school district demonstrates~~  
 1113 ~~that it meets the requirements of subsection (2). If the~~  
 1114 ~~exemptions are not renewed, the school district must comply with~~  
 1115 ~~the requirements and laws described in subsection (1) by the~~  
 1116 ~~beginning of the next school year immediately following the loss~~  
 1117 ~~of the exemptions.~~

1118 ~~(4) The State Board of Education shall adopt rules~~

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Original

2014

1119 ~~pursuant to ss. 120.536(1) and 120.54 to establish the~~  
1120 ~~procedures for applying for the exemptions and the criteria for~~  
1121 ~~renewing the exemptions.~~

1122

1123 This section is ~~shall be~~ repealed August 1, 2017, unless  
1124 reviewed and reenacted by the Legislature.

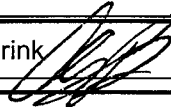

1125 Section 13. This act shall take effect July 1, 2014.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB EDC 14-02 School Accountability

**SPONSOR(S):** Education Committee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Brink 	Mizereck 

### SUMMARY ANALYSIS

On February 24, 2014, the Commissioner of Education (commissioner), pursuant to an executive order issued by Florida Governor Rick Scott, presented to the House Education Committee various recommended changes to the school accountability and teacher evaluation systems in Florida, including, among other things, simplifying school grades calculations to focus on graduation, earning college credit, and student performance in core subjects; establishing a transition year for purposes of school grades and teacher evaluations as the state administers new statewide assessments in the 2014-2015 school year; and providing greater district and school control in developing local assessments.

Based on the commissioner's recommendations, this bill:

- Simplifies the school grades calculations for elementary, middle, and high schools by eliminating extraneous point categories and focusing on student performance, graduation, and eligibility for college credit;
- Requires development of a district report card which includes indicators of success, such as student performance, closing of the achievement gap among high- and low-performing subgroups, and grade-level promotion of low achieving students;
- Establishes a hold harmless provision for the 2015-2016 school year that insulates schools and districts from any penalty or reclassification based on 2014-2015 grades as new statewide, standardized assessments in mathematics and English language arts are implemented;
- Restructures school improvement rating provisions to make sure alternative schools and exceptional student education (ESE) centers receive ratings and to focus on learning gains for students in alternative schools and ESE centers;
- Authorizes district school boards to adopt teacher- or principal-selected assessments for certain hard-to-measure courses and subjects such as Band or Art;
- Authorizes district school boards to establish performance standards for teacher evaluation ratings for the 2014-2015 school year as new statewide, standardized assessments are implemented and requires the State Board of Education (SBE) to establish performance levels for teacher evaluation ratings beginning with the 2015-2016 school year; and
- Provides for bonus money, subject to appropriation, to school districts that more effectively align teacher evaluations to student performance and utilize local assessments.

In addition, the bill removes the Department of Education's rulemaking authority and instead requires the Hillsborough County School District superintendent to attest annually to the SBE that the district meets criteria relating to the approval of certain personnel evaluation and performance pay provisions.

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

The bill provides an effective date of July 1, 2014.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

On September 23, 2013, Florida Governor Rick Scott issued an executive order establishing the Florida Plan for Education Accountability.<sup>1</sup> The order directs the Commissioner of Education (commissioner) take certain actions with respect to four aspects of the education system in Florida, including procurement of the next statewide, standardized assessments, student data security, the school accountability system, and teacher evaluations.<sup>2</sup>

With respect to the school accountability system, the order requires the commissioner to recommend to the State Board of Education (SBE) that certain changes be made to the school accountability system in order to “provide stability and clarity to Florida’s students, parents, and teachers during the 2013-14 and 2014-15 school years when schools will transition to new state assessments . . . .”<sup>3</sup> The order provides that changes during this period would be “limited to inclusion of the U.S. History end of course (EOC) exam, other technical changes directed by statute, and the adoption of [SBE] emergency rules meant to ensure a stable transition.”

The order also directed the commissioner to immediately recommend that the SBE resubmit Florida’s Elementary and Secondary Education Act (ESEA) waiver to “make it clear that Florida will not comply with terms involving Federal overreach into the handling of ELL (English language learners) and ESOL (English for Speakers of Other Languages) student achievement measures in the school accountability system.” The order stated that the commissioner and SBE must “continue to make any necessary recommendations to the Governor and Florida Legislature to further ensure that Florida’s education accountability system is fair and transparent.”<sup>4</sup>

With respect to teacher evaluations, the order directs the commissioner to review participant contributions to the Governor’s education accountability summit<sup>5</sup> and provide a recommended action plan to ensure successful implementation of teacher evaluations to the Governor, the SBE, and the Legislature.<sup>6</sup>

On February 24, 2014, Commissioner Pam Stewart presented to the House of Representatives Education Committee a proposed Florida School Accountability Plan, which includes recommendations related to school grades, teacher evaluations, and stability during the transition to new state assessments.<sup>7</sup> Recommendations for school grades are intended to simplify the grading calculations to

- Focus on student success measures, including achievement, learning gains, graduation, and earned college credit and/or industry certifications;
- Require students scoring below grade level to grow toward grade level performance and students already scoring at grade level to progress beyond grade level performance; and

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<sup>1</sup> Exec. Order No. 13-276 (2013).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> The education accountability summit, August 26-28, 2013, was a three-day event that in which a panel of Florida education leaders gathered to discuss the sustainability and transparency of the state’s accountability system to ensure each student has the opportunity to succeed. The summit focused discussion on four strategic priorities: state standards, state standard assessments, school grades, and teacher evaluations, a/k/a, “The Four Horsemen.” See Florida Department of Education, Media Advisory, [http://www.fldoe.org/news/2013/2013\\_08\\_26.asp](http://www.fldoe.org/news/2013/2013_08_26.asp) (last visited March 3, 2014).

<sup>6</sup> Exec. Order No. 13-276 (2013).

<sup>7</sup> Commissioner of Education, *Proposed School Accountability Plan: hearing before the House Education Committee* (Feb. 24, 2014).

- Ensure that the level of performance associated with an A-F school is transparent.<sup>8</sup>

In addition, the commissioner recommended establishing baseline scores in the first year of implementation of new state assessments in the 2014-2015 school year. This would delay by one year consequences based upon student performance and learning gains on the new assessments. The commissioner's presentation included proposed calculations for elementary schools, middle schools, and high schools.<sup>9</sup>

With respect to teacher evaluation, the commissioner's recommendations are to:

- Allow districts to set teacher performance standards through the 2014-2015 transitional school year to help stabilize implementation for local teacher and principal evaluations;
- Provide districts that are showing student success with flexibility in deciding a portion of the student performance component of the evaluation; and
- Further define options for implementing local student assessments to ensure best choices for students in all courses. This is intended to support evaluations based on actual teacher course assignments and evaluation systems that are locally sustainable.<sup>10</sup>

## **School Grades**

### **Present Situation**

Each year, the commissioner must prepare reports of the statewide assessment program which describe student achievement in the state, each district, and each school. The reports must include descriptions of the performance of all schools participating in the assessment program and all of their major student populations.<sup>11</sup>

The annual reports must identify schools as having one of the following grades:

- "A," for schools making excellent progress;
- "B," for schools making above average progress;
- "C," for schools making satisfactory progress;
- "D," schools making less than satisfactory progress; and
- "F," for schools failing to make adequate progress.<sup>12</sup>

In addition to annual reports prepared by the commissioner, school grades are reported using school report cards, which are developed by the Florida Department of Education (DOE) in collaboration with school districts.<sup>13</sup> The school report cards are provided by the school district to parents within the district. Each school's report card must include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the Elementary and Secondary Education Act (ESEA),<sup>14</sup> and indicators of return on investment. Each report card must be published annually on the DOE's website.<sup>15</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Section 1008.34(1), F.S.

<sup>12</sup> Section 1008.34(2), F.S.

<sup>13</sup> Section 1008.34(5), F.S.

<sup>14</sup> 20 U.S.C. ss. 6301 *et seq.* The ESEA, as reenacted through the No Child Left Behind of 2001 (NCLB), establishes state student assessment program requirements. *See* Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>15</sup> Section 1008.34(5), F.S.

The school grade calculations are different for elementary schools (kindergarten to grade five), middle schools (grades six to eight), and high schools (grades nine to 12), but each is based on the total points earned across all calculation components. In addition, a school's grade is lowered one letter grade if:

- Fewer than 50 percent of the lowest performing 25 percent demonstrate gains or show annual improvement on statewide assessments for reading and mathematics;
- Fewer than 25 percent of the school's students are reading at or above grade level; or
- If an "A" school, fewer than 95 percent of eligible students take the state assessments.<sup>16</sup>

If less than 90 percent of a school's students take the state assessments, then the commissioner must withhold designation of the school's grade until the data are determined, after investigation, to accurately represent the performance of the school.<sup>17</sup> A school is ineligible to earn a grade of "D," "C," or "B" if fewer than 90 percent of its students are assessed.<sup>18</sup> The commissioner is authorized to designate a school grade for each school that has at least 10 eligible students with valid assessment score in reading and at least 10 eligible students with valid assessment scores in mathematics in both the current year and the previous year for each subject.<sup>19</sup>

*Current Elementary School Grade Calculation (800 possible points)<sup>20</sup>*

Reading	Math	Writing	Science
<b>Achievement</b>			
(100 points)	100 points)	(100 points)	(100 points)
<b>Learning Gains – with additional weights for certain types of gains</b>			
(100 points)	(100 points)		
<b>Low 25% Learning Gains – with additional weights for certain types of gains</b>			
(100 points)	(100 points)		
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>
<b>A school grade is lowered one letter grade below what the point total indicate if:</b> <ul style="list-style-type: none"> <li>• Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)</li> <li>• Fewer than 25% of students are reading at or above grade level</li> <li>• Fewer than 95% of eligible students are tested, and the school earned enough points for an "A"</li> </ul>			

<sup>16</sup> See rule 6A-1.09981, F.A.C.

<sup>17</sup> Rule 6A-1.09981(9)(b)1., F.A.C. The commissioner must also withhold designation of a school grade if circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the DOE. During such time, the school grade is incomplete ("I") until such time as the investigation is complete and the data are determined to accurately represent the performance of the school.

Rule 6A-1.09981(9)(b)2., F.A.C.

<sup>18</sup> Rule 6A-1.09981(1)(a)4., F.A.C.

<sup>19</sup> Rule 6A-1.09981(3)(a)3., F.A.C.

<sup>20</sup> This calculation also serves as the basic calculation upon which the calculations for middle and high schools are based. See section 1008.34(3)(b), F.S.; rule 6A-1.09981(5)(a), F.A.C.

*Current Middle School Grade Calculation (900 possible points)*

Reading	Math	Writing	Science	Acceleration
<b>Achievement</b>				Middle School Students' Participation in and Performance on High School Level EOC assessments and Industry Certifications (100 points)
(100 points)	(100 points)	(100 points)	(100 points)	
<b>Learning Gains - with additional weights for certain types of gains</b>				
(100 points)	(100 points)			
<b>Low 25% Learning Gains - with additional weights for certain types of gains</b>				
(100 points)	(100 points)			
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>
<b>A school grade is lowered one letter grade below what the point total indicate if:</b> <ul style="list-style-type: none"> <li>Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)</li> <li>Fewer than 25% of students are reading at or above grade level</li> <li>Fewer than 95% of eligible students are tested, and the school earned enough points for an "A"</li> </ul>				

*Current High School Grade Calculation (1,600 possible points)*

Assessment Components – 50%				"Other" Components – 50%			
Reading	Mathematics (Algebra, Geometry)	Writing	Science (Biology)	Acceleration	Graduation Rate	College Readiness	Social Studies (US History)
<b>Achievement</b>				Participation & Performance in AP, IB, AICE, dual enrollment, and/or industry certification – with additional weights for multiple participation & performance  (100 points for Participation) (100 points for Performance)	A total of four graduation rates (200 points)  Overall, 4-year (100 points) Overall, 5-year (100 points)  At-Risk, 4-year (50 points) At-risk, 5-year (50 points)	Percent of graduates that are "college ready" based on SAT, ACT, and/or PERT  Reading (100 points)  Math (100 points)	Student achievement on U.S. History EOC Assessment (100 points)
(100 points)	(100 points)	(100 points)	(100 points)				
<b>Learning Gains - with additional weights for certain types of gain</b>							
(100 points)	(100 points)						
<b>Low 25% Learning Gains – with additional weights for certain types of gains</b>							
(100 points)	(100 points)						
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>	<b>(200 points)</b>	<b>(300 points)</b>	<b>(200 points)</b>	<b>(100 points)</b>
<b>A school grade is lowered one letter grade below what the point total indicate if:</b> <ul style="list-style-type: none"> <li>Fewer than 50% of the Low 25% demonstrate gains in reading and mathematics (or show annual improvement)</li> <li>Fewer than 25% of students are reading at or above grade level</li> <li>Fewer than 65% of at-risk students graduate from high school, and the school earned enough points for an "A"</li> <li>Fewer than 95% of eligible students are tested, and the school earned enough points for an "A"</li> </ul>							

Effect of Proposed Changes

The bill defines the following terms for purposes of the statewide, standardized assessment and school grades systems:

- "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment. There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment, the SBE must provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing.
- "Learning Gains," "annual learning gains," or "student learning gains" means the degree of student learning growth occurring from one school year to the next as required by state board rule for purposes of calculating school grades.
- "Student performance," "student academic performance," or "academic performance" includes, but is not limited to, student learning growth, achievement levels, and Learning Gains on statewide, standardized assessments.

Rather than basing school grades on a total of points earned across the various school grade components, the bill requires grades to be based on the percentage of total points earned by a school. In addition, the bill, pursuant to the commissioner's recommendations, eliminates certain components of the school grade calculations to focus more closely on graduation, earning college credits and/or industry certifications, and student performance in the core subjects of English language arts, mathematics, science, and social studies.

The revised calculations are as follows:

*Revised Elementary School Grade Calculation (700 possible points, compared to current 800)*

English Language Arts (ELA)	Math	Science
<b>Achievement</b>		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to (100%) (100 points)
<b>Learning Gains All Students</b>		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	
<b>Lowest 25% Learning Gains</b>		
(0% to 100%) (100 points)	(0% to 100%) (100 points)	
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>

*Revised Middle School Grade Calculation (800 possible points, compared to current 900)*

ELA	Math	Social Studies (Civics)	Science	Acceleration
<b>Achievement</b>				Percent of Students with an Acceleration Success (0% to 100%) (100 points)
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	
<b>Learning Gains All Students</b>				
(0% to 100%) (100 points)	(0% to 100%) (100 points)			
<b>Low 25% Learning Gains</b>				
(0% to 100%) (100 points)	(0% to 100%) (100 points)			
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>

*Revised High School Grade Calculation (1,000 possible points, compared to current 1600)*

Assessment Components				Grad Rate	Acceleration
ELA	Math (Algebra, Geometry)	Social Studies (U.S. History)	Science (Biology)		
<b>Achievement</b>				4 Year Graduation Rate (0% to 100%) (100 points)	Percent of Students with an Acceleration Success (0% to 100%) (100 points)
(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)	(0% to 100%) (100 points)		
<b>Learning Gains All Students</b>					
(0% to 100%) (100 points)	(0% to 100%) (100 points)				
<b>Low 25% Learning Gains</b>					
(0% to 100%) (100 points)	(0% to 100%) (100 points)				
<b>(300 points)</b>	<b>(300 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>	<b>(100 points)</b>

With respect to student learning gains in English language arts and mathematics, the SBE must require that learning growth toward achievement levels 3, 4, and 5 be demonstrated by students who scored below each of those levels in the prior year.

In addition, the bill establishes the following requirements relating to school grades:

- The calculation must be based on the percentage of points earned;
- There must not be any provision that would raise or lower the school's grade beyond the percentage of points earned;
- Extra weight may not be added to the calculation of any components; and
- For a school that does not have at least ten students with complete data for one or more of the components that comprise the school grade, those components may not be used in the calculation.

The bill requires the SBE to periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must also adopt in rule a school grading scale that sets the percentage of points needed to earn each school grade. There must be at least five percentage points to separate the percentage thresholds needed to earn each school grade.

The bill provides school districts discretion to allow schools that receive a grade of "A" or improve at least two letter grades greater budgetary authority. This discretion was originally granted to the SBE to be specified in state board rule; however, no state board rule was ever adopted.

The bill eliminates redundant annual reporting requirements for the commissioner. Instead, the bill retains preparation of school report cards and requires the development of district report cards. The bill requires each school report card to include, among other items already required by law, student performance in English language arts, mathematics, science, and social studies.

## **District Grades**

### **Present Situation**

The annual report prepared by the commissioner for each school district must include a grade for the district.<sup>21</sup> The grade is calculated using district student performance and learning gains data on state assessments in reading and mathematics and student performance on science and writing state assessments.<sup>22</sup>

### **Effect of Proposed Changes**

The bill requires the DOE to develop a district report card, rather than an annual report by the commissioner, that includes the district's grade as well as:

- Measures of the district's progress in closing the achievement gap between higher- and lower-performing subgroups;
- Measures of the district's progress in demonstrating learning gains of its highest-performing students;
- Measures of the district's success in improving student attendance;
- The district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized English language arts and mathematics assessments; and
- Measure of the district's performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

## **School Improvement Rating**

### **Present Situation**

The commissioner's annual report must identify each school's performance as having improved, remained the same, or declined.<sup>23</sup> The school improvement rating must be based on a comparison of current year and previous year student and school performance data. Schools that improve their ratings by at least one level are eligible for school recognition awards.<sup>24</sup>

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<sup>21</sup> Section 1008.34(7), F.S.

<sup>22</sup> *Id.* The calculation includes students who transfer between schools in the district or who are enrolled in a school that does not receive a grade.

<sup>23</sup> Section 1008.34(4), F.S.

<sup>24</sup> *Id.*

An alternative school or exceptional student education (ESE) center may opt for a school improvement rating instead of a school grade. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board.<sup>25</sup> The school improvement rating must consider:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have statewide assessment scores for the preceding school year;<sup>26</sup> and
- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25<sup>th</sup> percentile of students in the state on the statewide reading assessment.<sup>27</sup>

The achievement scores and learning gains of eligible students attending alternative schools that receive a school improvement rating are credited back to the home school for inclusion the home school's grade calculation. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school.<sup>28</sup> Alternative schools include ESE Centers for the purposes of school accountability.

The three possible school improvement ratings include:

- "Improving" – students are making more academic progress at the alternative school than when the students were served in their home schools;
- "Maintaining" – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- "Declining" – students are making less academic progress at the alternative school than when the students were served in their home schools.<sup>29</sup>

In order to receive a school improvement rating, an alternative school must have a minimum of 10 students with valid statewide assessment scores in reading for the current and previous two years and a minimum of 10 students with valid statewide assessment scores in mathematics for the current and previous two years.<sup>30</sup> Only alternative schools that test at least 80 percent of their students may receive a school improvement rating, and if an alternative school tests less than 90 percent of its students, the school may not earn a rating higher than "maintaining."

The achievement scores and learning gains of students attending ESE centers who were not enrolled in or in attendance at a public school other than an ESE center within the school district during the previous three years are not included in the grade of the students' home school.<sup>31</sup>

### Effect of Proposed Changes

To more accurately describe the progress of alternative schools and ESE centers, the bill changes the school improvement rating designations of "improving" and "declining" to "commendable" and "unsatisfactory," respectively. The bill retains the "maintaining" designation. In addition, the bill eliminates comparison to previous student performance at a student's home school for purposes of calculating the alternative school's or ESE center's school improvement rating. Instead, the bill amends

<sup>25</sup> Section 1008.34(3)(a)2., F.S.

<sup>26</sup> Section 1008.341(3)(a), F.S.

<sup>27</sup> Section 1008.341(3)(b), F.S.

<sup>28</sup> Section 1008.34(3)(c)3., F.S.; *cf.* rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

<sup>29</sup> *Id.*

<sup>30</sup> Rule 6A-1.099822(5)(a), F.A.C.

<sup>31</sup> Section 1008.3415(2), F.S.



the components of the school improvement rating for alternative schools and ESE centers. The components include:

- The percentage of eligible students who make learning gains in English language arts as measured by statewide, standardized assessments; and
- The percentage of eligible students who make learning gains in mathematics as measured by statewide, standardized assessments.

The bill amends the calculation to no longer take into consideration the performance of students who have scored in the lowest 25<sup>th</sup> percentile of students in the state on the reading statewide, standardized assessment.

To provide focus on student learning gains at alternative schools, the bill provides that, beginning with the 2016-2017 school year, an alternative school that does not meet the requirements for issuance of a school improvement rating and has not received a rating for the past two consecutive years must receive a rating for the current year based on all student learning gains for all grades levels at the school for those three years.

The bill provides that if an alternative school does not have at least 10 students with complete data for a school improvement rating component, that component may not be used in calculating the school's improvement rating. To make certain that the school still receives a rating, the bill requires the rating to be calculated based on the percentage of points earned from the English language arts and mathematics learning gains components.

### **Transition Year**

The 2013-2014 school year is the final year in which the current statewide assessments,<sup>32</sup> are used to calculate school grades, school improvement ratings, and district grades and evaluate public education personnel. This coincides with the transition to full instruction based on Florida's new state standards, adopted by the SBE on February 18, 2014, in the 2014-2015 school year.<sup>33</sup> In addition, the SBE is currently reviewing proposals by several third party test developers for the development of new statewide assessments aligned to the new state standards.<sup>34</sup>

When Florida students take the new assessments for the first time during the 2014-2015 school year, student performance level expectations, also called "cut scores," will not yet exist. Because the 2014-2015 assessments will be different than the 2013-2014 assessments, basing school accountability measures and evaluations on growth in student performance and learning gains compared to the 2013-2014 assessments may result in consequences that do not accurately reflect the actual performance of students.

Accordingly, based on recommendations the commissioner made to the House Education Committee on February 24, 2014,<sup>35</sup> the bill establishes a hold harmless provision that insulates schools from any penalty or reclassification that would otherwise result from the school's 2014-2015 grade. The bill establishes the 2014-2015 school year as an informational baseline for schools to work toward improved performance in future years. Thus, a school may not be required to select and implement a turnaround option<sup>36</sup> in the 2015-2016 school year based on the school's 2014-2015 grade or school

<sup>32</sup> Statewide assessments include FCAT writing, FCAT 2.0, and end of course (EOC) assessments. See Section 1008.22, F.S.

<sup>33</sup> Florida State Board of Education, Minutes of Feb. 18, 2014 State Board of Education Meeting (2014), available at [http://www.fldoe.org/board/meetings/2014\\_02\\_18/agenda.asp](http://www.fldoe.org/board/meetings/2014_02_18/agenda.asp).

<sup>34</sup> Commissioner of Education, *Proposed Florida Education Plan for 2014-2016; hearing before the House Education Committee* (Feb. 6, 2014).

<sup>35</sup> See *supra* text accompanying note 7.

<sup>36</sup> A school that earns a grade of "F" or earns a grade of "D" for three consecutive years must select and implement a turnaround option. Turnaround options include converting the school to a district-managed turnaround school; reassigning students to another school and monitoring the progress of each reassigned student; closing the school and reopening the school as one or more charter

improvement rating. In addition, a school or virtual instruction program that receives the same or a lower school grade or school improvement rating for the 2014-2015 school year compared to the 2013-2014 school year would not be subject to sanctions or penalties that would otherwise occur as a result of the 2014-2015 school grade or rating. Furthermore, a charter school system or a school district designated as high performing may not lose its designation based on the 2014-2015 school grades of any of the schools within the charter school system or school district. The Florida School Recognition Program<sup>37</sup> will continue to be implemented as otherwise provided by the General Appropriations Act.

Beginning with the 2016-2017 school year, schools would again be subject to consequences related to school grades and improvement ratings earned in the 2015-2016 school year.

## **Public School Personnel Evaluations**

### **Evaluation Requirements and Components**

All instructional personnel<sup>38</sup> and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.<sup>39</sup> The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.<sup>40</sup> Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities. Instructional leadership practices are also included in school administrator evaluations.<sup>41</sup>

Each district superintendent must establish procedures for evaluating the performance of all instructional personnel and school administrators employed by the school district.<sup>42</sup> The superintendents must also report evaluation results to the DOE by December 1 each year.<sup>43</sup> The DOE approves all district evaluation systems and monitors implementation for compliance with law.<sup>44</sup>

Public school personnel evaluations must be used to designate instructional personnel and school administrators as "highly effective," "effective," "needs improvement" (or, for instructional personnel in the first three years of employment who need improvement, "developing"), or "unsatisfactory."<sup>45</sup> Evaluations occur annually, except classroom teachers newly hired by a district are evaluated twice during their first year.<sup>46</sup>

Evaluations must be comprised of the following components:

#### *Student Performance*

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schools, each with a governing board with a demonstrated record of effectiveness; contracting with an outside entity that has a demonstrated record of effectiveness to operate the schools; or implementing a hybrids turnaround options. See Section 1008.33(4), F.S.

<sup>37</sup> Section 1008.36, F.S.

<sup>38</sup> Instructional personnel include classroom teachers and other instructional personnel, such as certified school counselors, librarians, and learning resource specialists. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

<sup>39</sup> Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school district.

*Id.*

<sup>40</sup> Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

<sup>41</sup> Section 1012.34(3)(a)3., F.S.

<sup>42</sup> Section 1012.34(1)(a), F.S.

<sup>43</sup> Section 1012/34(1)(c), F.S.

<sup>44</sup> Section 1012.34(1)(b), F.S.

<sup>45</sup> Section 1012.34(2)(e), F.S.

<sup>46</sup> Section 1012(3)(a), F.S.

Student performance includes data and indicators of student learning growth based on student performance on annual statewide assessments or, for subjects and grade levels not tested by statewide assessments, school district assessments.<sup>47</sup> Student performance must constitute at least 50 percent of a classroom teacher's or school administrator's evaluation.<sup>48</sup> Student learning growth is measured under a formula approved by the Commissioner of Education and to be adopted in rule by the State Board of Education (SBE).<sup>49</sup> The formula is known as the "value added model" (VAM).<sup>50</sup>

For classroom teachers, student performance must include student learning growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, then student performance may comprise no less than 40 percent of the evaluation.<sup>51</sup>

For other instructional personnel who are not classroom teachers, student performance must include student learning growth data on statewide assessments for assigned students over the course of at least 3 years<sup>52</sup> and must comprise at least 30 percent of the evaluation or, if less than 3 years of data are available, then not less than 20 percent.<sup>53</sup>

For school administrators, student performance must include student learning growth data for students assigned to the school over the course of at least 3 years. If less than 3 years of data are available, then student performance may comprise no less than 40 percent of the evaluation.<sup>54</sup>

Measurement of student learning growth for classroom teacher evaluations varies according to the subjects and grades taught by the teacher, as follows.<sup>55</sup>

- For classroom teachers of courses tested by a statewide assessment, student learning growth on such assessments must be used.<sup>56</sup>
- For classroom teachers of courses measured by a school district assessment, student learning growth on such assessments must be used; however, school districts may request DOE-approval to use:
  - A student achievement measure or a combination of student learning growth and achievement; or<sup>57</sup>
  - A combination of student learning growth on a school district assessment and on the FCAT Reading or FCAT Mathematics assessments, as long as learning growth on the district assessment is given greater weight.<sup>58</sup>

### *Instructional Practice*

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<sup>47</sup> Sections 1012.34(3)(a)1. and 1008.22(6), F.S. Each school district must publish on its website schedules for the administration of district assessments and report the schedule to the DOE each year by October 1. Section 1008.22(6)(d), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> Section 1012.34(8), F.S.

<sup>50</sup> Section 1012.34(7)(a), F.S. The DOE has promulgated Rule 6A-5.0411, Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations. However, the rule has not yet been adopted by the SBE. Among other things, the rule must establish a student learning growth standard that must be met in order for an employee to receive a highly effective rating and a student learning growth standard that must be met in order for an employee to receive an effective rating. Section 1012.34(8), F.S.

<sup>51</sup> Section 1012.34(3)(a)1.a., F.S.

<sup>52</sup> The student performance component for instructional personnel who are not classroom teachers may include student learning growth data and other measurable student outcomes specific to the position. Section 1012.34(1)(a)1.b., F.S.

<sup>53</sup> Section 1012.34(3)(a)1.b., F.S.

<sup>54</sup> Section 1012.34(3)(a)1.c.

<sup>55</sup> School districts must implement assessments for subjects not tested by statewide assessments by the 2014-15 school year. *See s.* 1008.22(8), F.S.

<sup>56</sup> Section 1012.34(7)(a)-(b), F.S.

<sup>57</sup> Section 1012.34(7)(c), F.S.

<sup>58</sup> Section 1012.34(7)(d), F.S.

Instructional practice is a component of instructional personnel evaluations which consists of evaluation criteria used in classroom teacher observations.<sup>59</sup> The evaluation criteria must include indicators based on each of Florida Educator Accomplished Practices (FEAP) established by the SBE in rule.<sup>60</sup> For instructional personnel who are not classroom teachers, the evaluation criteria must be based on FEAP and may include specific job expectations related to student support.<sup>61</sup>

### *Instructional Leadership*

Instructional leadership is a component of school administrator evaluations and consists of indicators based on each of the principal leadership standards established in state board rule.<sup>62</sup>

### *Professional and Job Responsibilities*

The professional and job responsibilities component of an evaluation must include additional professional and job responsibilities identified in state board rule. District school boards may identify professional and job responsibilities in addition to those identified by the SBE.<sup>63</sup>

## **School District Assessments**

### Present Situation

School districts are responsible for measuring student performance in all subjects and grade levels that are not assessed using statewide, standardized assessments.<sup>64</sup> Beginning with the 2014-2015 school year, school districts must administer for each course offered in the district an assessment, referred to either as a district assessment or local assessment, that measures mastery of course content. Such assessments may include:

- Statewide assessments;
- Other standardized assessments, including nationally recognized standardized assessments;
- Industry certification examinations; and
- District-developed or district-selected end-of-course (EOC) assessments.<sup>65</sup>

The DOE has provided technical assistance and used Race to the Top<sup>66</sup> funds for the development of test item banks, a test platform, and grants to school districts for developing assessments for hard-to-measure courses that can be shared across the state.<sup>67</sup>

### Effect of Proposed Changes

Pursuant to the commissioner's recommendation to provide flexibility with respect to hard-to-assess subjects and courses, e.g., Band and Art, the bill authorizes district school boards to adopt teacher- or principal-selected local assessments that, along with district-selected local assessments, may include a variety of assessment formats. These formats include, but are not limited to, project-based

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<sup>59</sup> Section 1012.34(3)(a)2., F.S.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Section 1012.34(3)(a)3., F.S.

<sup>63</sup> Section 1012.34(3)(a)4., F.S.

<sup>64</sup> Section 1008.22(6)(a), F.S.

<sup>65</sup> Sections 1008.22(8) and 1012.34(7)(b), F.S. The Commissioner of Education must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks, facilitating the sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance. Section 1008.22(8)(c), F.S.

<sup>66</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (Feb. 17, 2009)

<sup>67</sup> Florida Department of Education, *American Recovery and Reinvestment Act, Procurements*,

<http://www.fldoe.org/arra/procurements.asp> (last visited March 5, 2014).

assessments, adjudicated performances, and practical application assessments. The bill requires each district school board to adopt policies for the selection, development, administration, and scoring of local assessments and for collection of assessment results. The bill specifies that school districts may not use teacher- or principal-selected assessments for English language arts, mathematics, science, and social studies courses that are used to meet graduation requirements and are not otherwise assessed by statewide, standardized assessments.

## **Student Learning Targets**

### Present Situation

Until July 1, 2015, if a school district, for courses not tested on statewide assessments, has not implemented an assessment or a student learning growth formula for that assessment, the district may use two alternative growth measures—student learning growth on statewide assessments or measurable learning targets. Learning targets must be identified by the school principal based upon the goals of the school improvement plan. Additionally, a district school superintendent may assign student learning growth on statewide assessments to an instructional team, i.e., classroom teachers who serve a common group of students.<sup>68</sup>

### Effect of Proposed Changes

The bill retains school district authority through the 2014-2015 school year to establish measurable learning targets for local assessments, including teacher- and principal-selected assessments.

## **Local Performance Standards**

### Effect of Proposed Changes

Pursuant to the commissioner's recommendation to promote stability in the education personnel evaluation system during the transition to a new statewide assessment, the bill authorizes school districts, for the 2014-2015 school year only, to establish their own performance standards for teacher evaluation ratings.

## **Bonus Awards for Districts**

### Effect of Proposed Changes

The bill provides that districts that make outstanding progress toward educator effectiveness are eligible for bonus rewards as provided in the 2014 General Appropriations Act. Districts can demonstrate outstanding progress toward educator effectiveness through implementation of instructional personnel salaries based on performance results and the use of local assessment results in personnel evaluations when statewide, standardized assessments are not administered.

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<sup>68</sup> Section 1012.34(7)(e), F.S.  
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DATE: 3/7/2014

## Hillsborough School District Exemption

### Present Situation

The Hillsborough County School District is currently allowed to base only 40 percent of an education personnel's evaluation on student performance as a result of its participation in a grant with the Bill and Melinda Gates Foundation<sup>69</sup> and exemption from certain Race to the Top requirements.<sup>70</sup> In addition, the Hillsborough County School District is exempt from performance pay provisions.<sup>71</sup> These exemptions were originally designed to be extended annually with SBE approval based on statutory criteria<sup>72</sup> and procedures established in state board rule. However, no rules were adopted relating to approval of continued exemptions and, accordingly, no subsequent approval of the exemptions by the SBE has occurred. The statutory exemptions which reflect Hillsborough County School District's partnership with the Bill and Melinda Gates Foundation and its exemption from certain Race to the Top requirements will expire on August 1, 2017, unless reviewed and reenacted by the Legislature.<sup>73</sup>

### Effect of Proposed Changes

The bill expressly identifies the Hillsborough County School District as the district permitted to base 40 percent of education personnel evaluations on student performance and exempted from any changes made in 2011 regarding pay for performance. Instead of requiring annual approval by the SBE to extend the exemptions, the bill requires the Hillsborough district school superintendent to attest in writing, by October 1, 2014, and each year thereafter, that the criteria for annual approval has been met. The bill provides that failure to comply with this requirement is grounds for the SBE to revoke the exemption at a public hearing.

The bill deletes language requiring the SBE to adopt rules relating to annual approval of the Hillsborough exemption.

## B. SECTION DIRECTORY:

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<sup>69</sup> On November 19, 2009, the Hillsborough County School District received a \$100 million grant award from the Bill and Melinda Gates Foundation. Funds from this grant are to be used to implement several instructional personnel and school administrator quality reforms, including development of a performance evaluation system that is at least 40 percent based upon student performance, use of a value-added student learning growth formula, consideration of performance before instructional personnel tenure is awarded, implementation of performance pay linked to performance evaluations, and granting greater authority to school principals to recruit and dismiss instructional personnel based upon performance. See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 7019* (2011), n. 80.

<sup>70</sup> Florida Department of Education, *Florida's Race to the Top Memorandum of Understanding for Phase 2*, at 10-13 (May 3, 2010), available at <http://www.fldoe.org/arra/pdf/phase2mou.pdf>.

<sup>71</sup> See section 1012.341(1), F.S.

<sup>72</sup> Section 1012.341(2) requires the SBE to annually continue the exemptions afforded the Hillsborough County School District upon demonstration by the district that: the instructional personnel and school administrator evaluation systems base at least 40 percent of an employee's performance evaluation upon student performance and that student performance is the single greatest component of an employee's evaluation; the instructional personnel and school administrator evaluation systems adopt the Commissioner of Education's student learning growth formula for statewide assessments as provided by state law; the school district's instructional personnel and school administrator compensation system awards salary increases based upon sustained student performance; the school district's contract system awards instructional personnel and school administrators based upon student performance and removes ineffective employees; and beginning with the 2014-2015 school year and each school year thereafter, student learning growth based upon performance on statewide assessments have significantly improved compared to student learning growth in the district in 2011-2012 and significantly improved compared to other school districts.

<sup>73</sup> Section 1012.341, F.S.

Section 1. Amends s. 1008.34, F.S., providing definitions for the statewide, standardized assessment program and school grading system; deleting annual reports; revising authority over allocation of a school's budget based on school grades; revising the basis for the calculation of school grades; deleting requirements for a school improvement rating; revising contents of the school report card; deleting provisions relating to performance-based funding policy; revising the basis for the calculation of district grades; requiring the Department of Education to develop a district report card; providing for transition to the revised school grading system.

Section 2. Amends s. 1008.341, F.S., revising the basis for the calculation of the school improvement rating for alternative schools; revising the rating designations and criteria upon which the ratings are determined.

Section 3. Amends s. 1008.3415, F.S., correcting cross-references.

Section 4. Amends s. 1001.42, F.S., revising criteria that necessitate a school's improvement plan to include certain strategies for improving student performance.

Section 5. Amends s. 1002.33, F.S.; revising cross-references.

Section 6. Amends s. 1003.621, F.S., revising cross-references.

Section 7. Amends s. 1008.31, F.S., revising legislative intent for the K-20 education performance accountability system.

Section 8. Amends s. 1008.33, F.S., conforming provisions relating to the state system of school improvement and education accountability.

Section 9. Amends s. 1011.64, F.S., correcting a cross-reference.

Section 10. Amends s. 1008.22, F.S., authorizing use of teacher-selected or principal-selected assessments as a form of local assessment; requiring a district school board to adopt policies relating to selection, development, administration, and scoring of local assessments.

Section 11. Amends s. 1012.34, F.S., providing information to be included in annual reports on the approval and implementation status of school district personnel evaluation systems; revising provisions relating to the measurement of student learning growth for purposes of personnel evaluation; conforming State Board of Education rulemaking relating to performance evaluations; providing for transition to new statewide, standardized assessments; authorizing bonus rewards to school districts for progress toward educator effectiveness.

Section 12. Amends s. 1012.341, F.S., removing rulemaking authority and establishing a compliance verification process for the exemption from performance evaluation system, compensation, and salary schedule requirements.

Section 13. Provides an effective date of July 1, 2014.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the SBE to adopt rules relating to the statewide, standardized assessment program and school accountability provisions.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.





1                   A bill to be entitled  
 2           An act relating to educator certification; amending s.  
 3           1004.04, F.S.; providing requirements for certain  
 4           instructional personnel who supervise or direct  
 5           preservice field experience; amending s. 1012.56,  
 6           F.S.; deleting an obsolete provision; revising  
 7           acceptable means of demonstrating mastery of general  
 8           knowledge, subject area knowledge, and professional  
 9           preparation and education competence; revising  
 10          components of a competency-based professional  
 11          development certification and education competency  
 12          program; repealing s. 1012.56(17), F.S., relating to a  
 13          study to compare the performance of certain  
 14          certificateholders; amending s. 1012.585, F.S.;  
 15          revising certain requirements for the renewal or  
 16          reinstatement of a professional certificate; providing  
 17          an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Paragraphs (a) and (b) of subsection (5) of  
 22           section 1004.04, Florida Statutes, are amended to read:

23           1004.04   Public accountability and state approval for  
 24           teacher preparation programs.—

25           (5)   PRESERVICE FIELD EXPERIENCE.—All postsecondary  
 26           instructors, school district personnel and instructional

27 personnel, and school sites preparing instructional personnel  
 28 through preservice field experience courses and internships  
 29 shall meet special requirements. District school boards may pay  
 30 student teachers during their internships.

31 (a) All individuals in postsecondary teacher preparation  
 32 programs who instruct or supervise preservice field experience  
 33 courses or internships ~~in which a candidate demonstrates his or~~  
 34 ~~her impact on student learning growth~~ shall have the following:  
 35 specialized training in clinical supervision; at least 3 years  
 36 of successful, relevant prekindergarten through grade 12  
 37 teaching, student services, or school administration experience;  
 38 and an annual demonstration of experience in a relevant  
 39 prekindergarten through grade 12 school setting as defined by  
 40 State Board of Education rule.

41 (b)1. All school district personnel and instructional  
 42 personnel who supervise or direct teacher preparation students  
 43 during field experience courses or internships taking place in  
 44 this state ~~in which candidates demonstrate an impact on student~~  
 45 ~~learning growth~~ must have evidence of "clinical educator"  
 46 training, a valid professional certificate issued pursuant to s.  
 47 1012.56, and at least 3 years of teaching experience in  
 48 prekindergarten through grade 12 and must have earned an  
 49 effective or highly effective rating on the prior year's  
 50 performance evaluation under s. 1012.34 or be a peer evaluator  
 51 under the district's evaluation system approved under s.  
 52 1012.34. The State Board of Education shall approve the training

53 requirements.

54 2. All instructional personnel who supervise or direct  
 55 teacher preparation students during field experience courses or  
 56 internships in another state through a Florida online or  
 57 distance program must have received "clinical educator" training  
 58 or its equivalent in that state, hold a valid professional  
 59 certificate issued by the state in which the field experience  
 60 takes place, and have at least 3 years of teaching experience in  
 61 prekindergarten through grade 12.

62 Section 2. Subsections (3), (5), and (6) and paragraphs  
 63 (a) and (b) of subsection (8) of section 1012.56, Florida  
 64 Statutes, are amended to read:

65 1012.56 Educator certification requirements.—

66 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of  
 67 demonstrating mastery of general knowledge are:

68 (a) Achievement of passing scores on the general knowledge  
 69 ~~basic skills~~ examination required by state board rule;

70 ~~(b) Achievement of passing scores on the College Level~~  
 71 ~~Academic Skills Test earned prior to July 1, 2002;~~

72 (b)(e) Documentation of a valid professional standard  
 73 teaching certificate issued by another state;

74 (c)(d) Documentation of a valid certificate issued by the  
 75 National Board for Professional Teaching Standards or a national  
 76 educator credentialing board approved by the State Board of  
 77 Education; ~~or~~

78 (d)(e) Documentation of two semesters of successful, full-

79 time teaching in a Florida College System institution, state  
 80 university, or private college or university that awards an  
 81 associate or higher degree and is an accredited institution or  
 82 an institution of higher education identified by the Department  
 83 of Education as having a quality program; or

84 (e) Effective July 1, 2015, achievement of passing scores,  
 85 identified in state board rule, on national or international  
 86 examinations that test comparable content and relevant standards  
 87 in the verbal, analytical writing, and quantitative reasoning  
 88 skills, including, but not limited to, the verbal, analytical  
 89 writing, and quantitative reasoning portions of the Graduate  
 90 Record Examination. Passing scores identified in state board  
 91 rule must be at approximately the same level of rigor as is  
 92 required to pass the general knowledge examinations.

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

95 (a) For a subject requiring only a baccalaureate degree  
 96 for which a Florida-developed subject area examination has been  
 97 developed, achievement of a passing score ~~scores~~ on the Florida-  
 98 developed subject area examination specified in ~~examinations~~  
 99 ~~required by state board rule, which may include, but need not be~~  
 100 ~~limited to, world languages in Arabic, Chinese, Farsi, French,~~  
 101 ~~German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese,~~  
 102 ~~Portuguese, Russian, and Spanish;~~

103 (b) For a subject for which a Florida subject area  
 104 examination has not been developed, achievement of a passing

105 score on a standardized examination specified in state board  
 106 rule, including, but not limited to, passing scores on both the  
 107 oral proficiency and written proficiency examinations ~~Completion~~  
 108 ~~of a bachelor's degree or higher and verification of the~~  
 109 ~~attainment of an oral proficiency interview score above the~~  
 110 ~~intermediate level and a written proficiency score above the~~  
 111 ~~intermediate level on a test administered by the American~~  
 112 ~~Council on the Teaching of Foreign Languages for which there is~~  
 113 ~~no Florida-developed examination;~~

114 (c) For a subject for which a Florida subject area  
 115 examination has not been developed or a standardized examination  
 116 has not been specified in state board rule, completion of the  
 117 subject area specialization requirements specified in state  
 118 board rule and verification of the attainment of the essential  
 119 subject matter competencies by the district school  
 120 superintendent of the employing school district or chief  
 121 administrative officer of the employing state-supported or  
 122 private school ~~for a subject area for which a subject area~~  
 123 ~~examination has not been developed and required by state board~~  
 124 ~~rule;~~

125 (d) For a subject requiring a master's or higher degree,  
 126 completion of the subject area specialization requirements  
 127 specified in state board rule ~~for a subject coverage requiring a~~  
 128 ~~master's or higher degree~~ and achievement of a passing score on  
 129 the Florida-developed subject area examination or a standardized  
 130 examination specified in state board rule;

131 (e) Documentation of a valid professional standard  
 132 teaching certificate issued by another state; or

133 (f) Documentation of a valid certificate issued by the  
 134 National Board for Professional Teaching Standards or a national  
 135 educator credentialing board approved by the State Board of  
 136 Education.

137

138 School districts are encouraged to provide mechanisms for ~~those~~  
 139 middle grades ~~school~~ teachers holding only a K-6 teaching  
 140 certificate to obtain a subject area coverage for middle grades  
 141 through postsecondary coursework or district add-on  
 142 certification.

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

146 (a) Successful completion of an approved teacher  
 147 preparation program at a postsecondary educational institution  
 148 within this state and achievement of a passing score on the  
 149 professional education competency examination required by state  
 150 board rule;

151 (b) Successful completion of a teacher preparation program  
 152 at a postsecondary educational institution outside Florida and  
 153 achievement of a passing score on the professional education  
 154 competency examination required by state board rule;

155 (c) Documentation of a valid professional standard  
 156 teaching certificate issued by another state;

157 (d) Documentation of a valid certificate issued by the  
 158 National Board for Professional Teaching Standards or a national  
 159 educator credentialing board approved by the State Board of  
 160 Education;

161 (e) Documentation of two semesters of successful, full-  
 162 time teaching in a Florida College System institution, state  
 163 university, or private college or university that awards an  
 164 associate or higher degree and is an accredited institution or  
 165 an institution of higher education identified by the Department  
 166 of Education as having a quality program and achievement of a  
 167 passing score on the professional education competency  
 168 examination required by state board rule;

169 (f) Successful completion of professional preparation  
 170 courses as specified in state board rule, successful completion  
 171 of a professional preparation and education competence  
 172 ~~demonstration~~ program pursuant to paragraph (8)(b), and  
 173 achievement of a passing score on the professional education  
 174 competency examination required by state board rule;

175 (g) Successful completion of a professional development  
 176 ~~preparation-alternative~~ certification and education competency  
 177 program, outlined in paragraph (8)(a); or

178 (h) Successful completion of a competency-based ~~an~~  
 179 ~~alternative~~ certification program pursuant to s. 1004.85 and  
 180 achievement of a passing score on the professional education  
 181 competency examination required by rule of the State Board of  
 182 Education.



183 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION  
 184 COMPETENCY PROGRAM.—

185 (a) The Department of Education shall develop and each  
 186 school district may provide a cohesive competency-based  
 187 professional development certification and education competency  
 188 program by which members of a school district's instructional  
 189 staff may satisfy the mastery of professional preparation and  
 190 education competence requirements specified in ~~this~~ subsection  
 191 (6) and rules of the State Board of Education. Participants must  
 192 hold a state-issued temporary certificate. A school district  
 193 that implements the program shall provide a competency-based  
 194 certification program developed by the Department of Education  
 195 or developed by the district and approved by the Department of  
 196 Education. The program shall include the following ~~components~~:

197 1. A minimum period of initial preparation before assuming  
 198 duties as the teacher of record.

199 2. An option for collaboration between school districts  
 200 and other supporting agencies or educational entities for  
 201 implementation.

202 3. An experienced peer-mentor component ~~peer-mentors~~. Each  
 203 individual selected by the district as a peer mentor must hold a  
 204 valid professional certificate issued pursuant to this section,  
 205 must have earned at least 3 years of teaching experience in  
 206 prekindergarten through grade 12, and must have earned an  
 207 effective or highly effective rating on the prior year's  
 208 performance evaluation under s. 1012.34 or be a peer evaluator

209 under the district's evaluation system approved under s.  
 210 1012.34.

211 4. An assessment of teaching performance aligned to the  
 212 district's system for personnel evaluation under s. 1012.34  
 213 which provides for:

214 a. An initial evaluation of each educator's competencies  
 215 to determine an appropriate individualized professional  
 216 development plan.

217 b. A summative evaluation to assure successful completion  
 218 of the program.

219 5. Professional education preparation content knowledge  
 220 that includes, but is not limited to, the following:

221 a. The state ~~state-adopted student content~~ standards  
 222 provided under s. 1003.41, including scientifically based  
 223 reading instruction, content literacy, and mathematical  
 224 practices, for each subject identified on the temporary  
 225 certificate.

226 b. The educator-accomplished practices approved by the  
 227 state board.

228 c. A variety of data indicators for monitoring student  
 229 progress.

230 d. Methodologies for teaching students with disabilities.

231 e. Methodologies for teaching students of limited English  
 232 proficiency ~~English-language learners~~ appropriate for each  
 233 subject area identified on the temporary certificate.

234 f. Techniques and strategies for operationalizing the role

235 | of the teacher in assuring a safe learning environment for  
 236 | students.

237 |         6. Required achievement of passing scores on the subject  
 238 | area and professional education competency examination required  
 239 | by State Board of Education rule. Mastery of general knowledge  
 240 | must be demonstrated as described in subsection (3).

241 |         (b)1. Each school district must and a state supported  
 242 | public school or a private school may develop and maintain a  
 243 | system by which members of the instructional staff may  
 244 | demonstrate mastery of professional preparation and education  
 245 | competence as required by law. Each program must be based on  
 246 | classroom application of the Florida Educator Accomplished  
 247 | Practices and instructional performance and, for public schools,  
 248 | must be aligned with the district's evaluation system approved  
 249 | under s. 1012.34.

250 |         2. The Commissioner of Education shall determine the  
 251 | continued approval of programs implemented under this paragraph,  
 252 | based upon the department's review of performance data. The  
 253 | department shall review the performance data as a part of the  
 254 | periodic review of each school district's professional  
 255 | development system required under s. 1012.98.

256 |         Section 3. Subsection (17) of section 1012.56, Florida  
 257 | Statutes, is repealed.

258 |         Section 4. Subsections (3) and (5) of section 1012.585,  
 259 | Florida Statutes, are amended to read:

260 |         1012.585 Process for renewal of professional

261 certificates.-

262 (3) For the renewal of a professional certificate, the  
 263 following requirements must be met:

264 (a) The applicant must earn a minimum of 6 college credits  
 265 or 120 inservice points or a combination thereof. For each area  
 266 of specialization to be retained on a certificate, the applicant  
 267 must earn at least 3 of the required credit hours or equivalent  
 268 inservice points in the specialization area. Education in  
 269 "clinical educator" training pursuant to s. 1004.04(5)(b) and  
 270 credits or points that provide training in the area of  
 271 scientifically researched, knowledge-based reading literacy and  
 272 computational skills acquisition, exceptional student education,  
 273 normal child development, and the disorders of development may  
 274 be applied toward any specialization area. Credits or points  
 275 that provide training in the areas of drug abuse, child abuse  
 276 and neglect, strategies in teaching students having limited  
 277 proficiency in English, or dropout prevention, or training in  
 278 areas identified in the educational goals and performance  
 279 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be  
 280 applied toward any specialization area. Credits or points earned  
 281 through approved summer institutes may be applied toward the  
 282 fulfillment of these requirements. Inservice points may also be  
 283 earned by participation in professional growth components  
 284 approved by the State Board of Education and specified pursuant  
 285 to s. 1012.98 in the district's approved master plan for  
 286 inservice educational training, including, but not limited to,

287 | serving as a trainer in an approved teacher training activity,  
 288 | serving on an instructional materials committee or a state board  
 289 | or commission that deals with educational issues, or serving on  
 290 | an advisory council created pursuant to s. 1001.452.

291 |       (b) In lieu of college course credit or inservice points,  
 292 | the applicant may renew a subject area specialization ~~area~~ by  
 293 | passage of a state board approved Florida-developed subject area  
 294 | examination or, if a Florida subject area examination has not  
 295 | been developed, a standardized examination specified in state  
 296 | board rule ~~test~~.

297 |       (c) If an applicant wishes to retain more than two  
 298 | specialization areas on the certificate, the applicant shall be  
 299 | permitted two successive validity periods for renewal of all  
 300 | specialization areas, but must earn no fewer than 6 college  
 301 | course credit hours or the equivalent in any one validity  
 302 | period.

303 |       (d) The State Board of Education shall adopt rules for the  
 304 | expanded use of training for renewal of the professional  
 305 | certificate for educators who are required to complete training  
 306 | in teaching students of limited English proficiency or students  
 307 | with disabilities and training in the teaching of reading as  
 308 | follows:

309 |           1. A teacher who holds a professional certificate may use  
 310 | college credits or inservice points earned through training in  
 311 | teaching students of limited English proficiency or students  
 312 | with disabilities ~~completed in English for Speakers of Other~~

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313 ~~Languages training~~ and training in the teaching of reading in  
 314 excess of 6 semester hours during one certificate-validity  
 315 period toward renewal of the professional certificate during the  
 316 subsequent validity periods.

317 2. A teacher who holds a temporary certificate may use  
 318 college credits or inservice points earned through training in  
 319 teaching students of limited English proficiency or students  
 320 with disabilities ~~completed in English for Speakers of Other~~  
 321 ~~Languages training~~ and training in the teaching of reading  
 322 toward renewal of the teacher's first professional certificate.  
 323 Such training must not have been included within the degree  
 324 program, and the teacher's temporary and professional  
 325 certificates must be issued for consecutive school years.

326 (e) Beginning July 1, 2014, an applicant for renewal of a  
 327 professional certificate must earn a minimum of one college  
 328 credit or the equivalent inservice points in the area of  
 329 instruction for teaching students with disabilities. The  
 330 requirement in this paragraph may not add to the total hours  
 331 required by the department for continuing education or inservice  
 332 training.

333 (5) The State Board of Education shall adopt rules to  
 334 allow the reinstatement of expired professional certificates.  
 335 The department may reinstate an expired professional certificate  
 336 if the certificateholder:

337 (a) Submits an application for reinstatement of the  
 338 expired certificate.

339 (b) Documents completion of 6 college credits during the 5  
 340 years immediately preceding reinstatement of the expired  
 341 certificate, completion of 120 inservice points, or a  
 342 combination thereof, in an area specified in paragraph (3)(a) to  
 343 include the credit required under paragraph (3)(e).


344 (c) During the 5 years immediately preceding reinstatement  
 345 of the certificate, achieves a passing score on the Florida-  
 346 developed subject area examination or, if a Florida subject area  
 347 examination has not been developed, a standardized examination  
 348 specified in state board rule ~~test~~ for each subject to be shown  
 349 on the reinstated certificate.

350  
 351 The requirements of this subsection may not be satisfied by  
 352 subject area examinations ~~tests~~ or college credits completed for  
 353 issuance of the certificate that has expired.

354 Section 5. This act shall take effect July 1, 2014.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 433 Educator Certification  
**SPONSOR(S):** K-12 Subcommittee; Spano  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 950

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	13 Y, 0 N, As CS	Ahearn	Ahearn
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Brink	Mizereck 

### SUMMARY ANALYSIS

Candidates seeking certification as a K-12 educator in Florida must demonstrate, among other things, mastery of general knowledge, subject area knowledge, and professional preparation and education competency.

The bill restates the methods by which a candidate for educator certification may demonstrate mastery of subject area knowledge, including passage of a Florida-developed subject area examination or a standardized examination specified by rule. The bill also allows a candidate to demonstrate mastery of general knowledge by achieving passing scores, as identified by the State Board of Education (SBE) in rule, on a national or international examination that tests comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills. In addition, the bill specifies certain requirements regarding demonstration of mastery of professional preparation and education competence.

The bill repeals a provision requiring a longitudinal study comparing the performance of teachers who earned certificates through certain specified "routes." The study has been completed.

The bill allows candidates to renew a subject area specialization by passage of a Florida-developed subject area examination or a standardized examination specified by rule. The SBE must adopt rules that would expand training for renewal of professional certificates in areas which require training in the instruction of students with disabilities, allowing such candidates to "bank" excess credits for use in subsequent certificate renewals. The bill also requires the SBE to adopt rules specifying certain requirements for reinstatement of a professional certificate.

The bill establishes requirements for instructional personnel who supervise or direct teacher preparation students during field experience courses or internships in another state through a Florida online or distance program. Such instructional personnel must have received "clinical educator" training or its equivalent in the state in which the field experience takes place, hold a valid professional certificate issued by that state, and have at least three years of teaching experience in prekindergarten through grade 12.

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

The bill provides an effective date of July 1, 2014.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Teacher Certification

###### Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).<sup>1</sup> Educator certification is a system of educational, pedagogical, and character-related qualifications for judging the fitness of individuals seeking employment as educators at these schools.<sup>2</sup> Persons who seek to be employed at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.<sup>3</sup> Educator certification is intended to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”<sup>4</sup>

The DOE issues professional certificates,<sup>5</sup> temporary certificates,<sup>6</sup> and athletic coaching certificates.<sup>7</sup> In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid for five years and is renewable.<sup>8</sup>

To be eligible to seek certification, a person must meet the following basic eligibility requirements:<sup>9</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;

<sup>1</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>2</sup> Subpart D., Part III, ch. 1012, F.S.

<sup>3</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire noncertificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502(1), F.A.C.; ss. 1002.33(10)(f) and 1012.55(1)(c), F.S. State-licensed school nurses and physicians, occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.; s. 1012.55(3), F.S.

<sup>4</sup> Section 1012.54, F.S.

<sup>5</sup> Rule 6A-4.004(2), F.A.C. The professional certificate is Florida’s highest type of full-time educator certification. It is valid for five years and is renewable. Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor’s degree in the area of speech-language impairment to complete a master’s degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

<sup>6</sup> *See* rule 6A-4.004(1)(a)2., F.A.C. The temporary certificate is valid for three years and is nonrenewable. Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Section 1012.56(7)(c), F.S.; *see supra* note 5.

<sup>7</sup> *See* rule 6A-4.004(4), F.A.C. The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach. Section 1012.55(2), F.S. The DOE issues two types of athletic coaching certificates—one is valid for five years and is renewable and the other is valid for three years and is nonrenewable. *See* rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

<sup>8</sup> Section 1012.57(1), F.S.

<sup>9</sup> Section 1012.56(2)(a)-(f), F.S.

- Earn a bachelor's or higher degree from an accredited institution of higher learning<sup>10</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;<sup>11</sup>
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.<sup>12</sup>

#### *Eligibility Requirements for a Temporary Certificate*

To be eligible for a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;<sup>13</sup>
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;<sup>14</sup> and
- Either:
  - Demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);<sup>15</sup> or
  - Complete the required degree or content courses specified in state board rule for subject area specialization<sup>16</sup> and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.<sup>17</sup>

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.<sup>18</sup> If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.<sup>19</sup> A temporary certificate is valid for 3 years and is nonrenewable.<sup>20</sup>

#### *Eligibility Requirements for a Professional Certificate*

To be eligible for a professional certificate, an applicant must:

<sup>10</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Nationally Recognized Accrediting Agencies*,

[http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html#NationallyRecognized](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized) (last visited Jan. 15, 2014) (list of accrediting agencies approved by the U.S. Department of Education).

<sup>11</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

<sup>12</sup> Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

<sup>13</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.; *see also supra* text accompanying note 9.

<sup>14</sup> Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

<sup>15</sup> Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, [http://www.fldoe.org/edcert/mast\\_sub.asp](http://www.fldoe.org/edcert/mast_sub.asp) (last visited Jan. 15, 2014)

<sup>16</sup> Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

<sup>17</sup> Section 1012.56(2)(c), F.S.; *see* Florida Department of Education, *Certificate Types and Requirements*, [http://www.fldoe.org/edcert/cert\\_types.asp](http://www.fldoe.org/edcert/cert_types.asp) (last visited Jan. 15, 2014); *see also supra* text accompanying note 11.

<sup>18</sup> Section 1012.56(7), F.S. (flush-left provisions at end of subsection); *see also infra* text accompanying notes 26-31 (acceptable means of demonstrating mastery of general knowledge).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

- Meet the basic eligibility requirements for certification;<sup>21</sup>
- Demonstrate mastery of general knowledge;<sup>22</sup>
- Demonstrate mastery of subject area knowledge;<sup>23</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>24</sup>

A professional certificate is valid for five years and is renewable.<sup>25</sup>

#### *Demonstration of Mastery of General Knowledge*

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;<sup>26</sup>
- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;<sup>27</sup>
- Having a valid professional standard teaching certificate issued by another U.S. state or territory,<sup>28</sup> by the National Board for Professional Teaching Standards (NBPTS),<sup>29</sup> or by the American Board for Certification of Teacher Excellence (ABCTE);<sup>30</sup>
- Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program.<sup>31</sup>

#### *Demonstration of Mastery of Subject Area Knowledge*

Mastery of subject area knowledge may be demonstrated through any of the following methods:

<sup>21</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.; see also *supra* text accompanying note 9.

<sup>22</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited Jan. 15, 2014); see also *infra* text accompanying notes 26-31 (acceptable means of demonstrating mastery of general knowledge).

<sup>23</sup> Section 1012.56(2)(h) and (5), F.S.; see *Subject Area Knowledge*, *supra* note 15; see also *infra* text accompanying notes 32-38 (acceptable means of demonstrating subject area knowledge).

<sup>24</sup> Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, [http://www.fldoe.org/edcert/mast\\_prof.asp](http://www.fldoe.org/edcert/mast_prof.asp) (last visited Jan. 15, 2014); see also *infra* text accompanying notes 39-48 (acceptable means of demonstrating professional preparation and education competence).

<sup>25</sup> Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.; see also *supra* note 5.

<sup>26</sup> Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.; see also Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, s. 82 (19th ed., April 2013), available at <http://www.fldoe.org/asp/fice/pdf/fice19edition.pdf> (competencies and skills measured by General Knowledge Test).

<sup>27</sup> Section 1012.56(3)(b), F.S.; see rules 6A-4.0021(10), 6A-10.0311, and 6A-10.0312, F.A.C.; Florida Department of Education, *College-Level Academic Skills Test (CLAST)*, <http://www.fldoe.org/asp/clast> (last visited Jan. 15, 2014).

<sup>28</sup> Section 1012.56(3)(c), F.S.; see rules 6A-4.002(1)(i)1.-2. and 6A-4.003, F.A.C. (flush-left provisions following rule 6A-4.003(2)(e), F.A.C.). Section 1012.56(3)(c), F.S., specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of general knowledge. A certificate issued by a U.S. territory is also acceptable.

<sup>29</sup> Section 1012.56(3)(d), F.S.; see rule 6A-4.002(1)(j), F.A.C.; see also National Board for Professional Teaching Standards, <http://www.nbpts.org> (last visited Jan. 15, 2014).

<sup>30</sup> Section 1012.56(3)(d), F.S.; see rule 6A-4.002(1)(j), F.A.C. On June 15, 2004, the State Board of Education authorized certificates issued by ABCTE to satisfy all requirements for a professional certificate, except the professional education competence demonstration requirement. Memorandum from Chief of the Bureau of Educator Certification, Florida Department of Education, to School District Superintendents, *et al.*, at 7 (June 25, 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2182/01.pdf>; see Florida Department of Education, *Minutes of State Board of Education*, at 5 (June 15, 2004), available at [http://www.fldoe.org/board/meetings/2004\\_08\\_16/Minutes\\_2004\\_06\\_15.pdf](http://www.fldoe.org/board/meetings/2004_08_16/Minutes_2004_06_15.pdf); see also American Board for Certification of Teacher Excellence, <http://www.abcte.org> (last visited Jan. 15, 2014).

<sup>31</sup> Section 1012.56(3)(e), F.S.; see also *supra* notes 10 and 11 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full-time. See *supra* text accompanying note 22.

- Bachelor's Degree Level (for certification in a subject area for which state board rule requires a bachelor's or higher degree):
  - Achieving a passing score on the appropriate subject area test required by state board rule;<sup>32</sup>
  - For certification in a foreign language for which there is no Florida subject area test (i.e., Arabic, Chinese, Farsi, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Turkish, and Russian),<sup>33</sup> completing a bachelor's or higher degree and attaining oral and written proficiency scores above the intermediate level on tests administered by the American Council on the Teaching of Foreign Languages (ACTFL),<sup>34</sup> or
  - For certification in any other subject area for which there is no Florida subject area test (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in state board rule<sup>35</sup> and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.<sup>36</sup>
- Master's Degree Level (for certification in a subject area for which state board rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in state board rule and achieving a passing score on the corresponding subject area test.<sup>37</sup>
- Out-of-State Certification: Having a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.<sup>38</sup>

#### *Demonstration of Mastery of Professional Preparation and Education Competence*

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- Completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or DOE-approved institution, and achieving a passing score on the Professional Education Test required by state board rule,<sup>39</sup>

<sup>32</sup> Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, <https://app1.fldoe.org/fce/Portal/FtceTests.aspx> (last visited Jan. 15, 2014); see also Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, *supra* note 26, ss. 1-63; see also rule 6A-4.0021(9), F.A.C. (scoring of subject area tests).

<sup>33</sup> The State Board of Education has approved certification subject areas in Latin and 14 world languages. Rule 6A-4.0243, F.A.C. The state board has specific authority to develop subject area tests for each of the 14 world languages. Section 1012.56(5)(a), F.S. The DOE has developed subject area tests for French, German, Latin, and Spanish. See *supra* text accompanying note 32.

<sup>34</sup> Section 1012.56(5)(b), F.S.; rule 6A-4.0243(1)(e), F.A.C.; see American Council on the Teaching of Foreign Languages (ACTFL), *Certified Proficiency Testing Program*, <http://www.actfl.org/professional-development/certified-proficiency-testing-program> (last visited Jan. 15, 2014); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, [http://dev5.lti-inc.net/acad\\_fl2n.cfm](http://dev5.lti-inc.net/acad_fl2n.cfm) (last visited Jan. 15, 2014).

<sup>35</sup> See, e.g., rule 6A-4.0123, F.A.C. (specialization requirements for certification in dance); see also Florida Department of Education, *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp> (last visited Jan. 15, 2014).

<sup>36</sup> Section 1012.56(5)(c), F.S.; rule 6A-4.004(2), F.A.C.

<sup>37</sup> Section 1012.56(5)(d), F.S.; see Florida Department of Education, *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp>.

<sup>38</sup> Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.; Florida Department of Education, *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited Jan. 15, 2014).

<sup>39</sup> Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.S.; *Competencies and Skills*, *supra* note 33, at s. 00.

- Completing a competency-based professional development certification program offered by a school district or Educator Preparation Institute and achieving a passing score on the Professional Education Test;<sup>40</sup>
- Completing 15 semester hours in professional preparation courses specified in state board rule<sup>41</sup> or completing the Professional Training Option for Content Majors;<sup>42</sup> completing requirements for practical experience in teaching;<sup>43</sup> completing an approved professional education competence demonstration program;<sup>44</sup> and achieving a passing score on the Professional Education Test;<sup>45</sup>
- Having a valid professional standard teaching certificate issued by another U.S. state or territory or by NBPTS;<sup>46</sup>
- Having a valid professional standard teaching certificate issued by ABCTE and completing an approved professional education competence demonstration program;<sup>47</sup> or
- Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program.<sup>48</sup>

### *Professional Certificate Renewal and Reinstatement*

A professional certificate must be renewed every five years.<sup>49</sup> An educator must submit an application,<sup>50</sup> pay a fee,<sup>51</sup> and earn at least six college credits or 120 inservice points to renew professional certification.<sup>52</sup> At least three college credits or 60 inservice points must be earned in each

<sup>40</sup> Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

<sup>41</sup> Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

<sup>42</sup> The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

<sup>43</sup> Florida Department of Education, *Professional Preparation and Education Competence*, [http://www.fldoe.org/edcert/mast\\_prof.asp](http://www.fldoe.org/edcert/mast_prof.asp), note 24, *supra*; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

<sup>44</sup> Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. Section 1012.56(8)(b), F.S.

<sup>45</sup> Section 1012.56(6)(f), F.S.

<sup>46</sup> Section 1012.56(6)(c)-(d), F.S.; see rules 6A-4.002(1)(i)-(j), F.A.C.; see *supra* note 28 (certificate from U.S. territory is also acceptable); *Professional Preparation and Education Competence*, *supra* note 24.

<sup>47</sup> Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, *supra* note 24; see *supra* notes 30 (American Board for Certification of Teacher Excellence certificate satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement) and 44 (description of professional education competence demonstration program).

<sup>48</sup> Section 1012.56(6)(e), F.S.; see also *supra* notes 10 and 11 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full time. *Professional Preparation and Education Competence*, *supra* note 24. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

<sup>49</sup> Section 1012.585(2)(a), F.S.

<sup>50</sup> Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>51</sup> The fee for a certification renewal is \$75. Rules 6A-4.0012(1)(a)1. and 6A-4.0051(3)(b), F.A.C.

<sup>52</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an

subject area for which renewal is sought.<sup>53</sup> The renewal period may be extended to include two successive renewal periods up to 10 years to enable educators who are certified in three or more subject areas to earn the required credits or inservice points in each subject area.<sup>54</sup> In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.<sup>55</sup>

Certification in subject areas may also be renewed by earning a passing score on the corresponding subject area test.<sup>56</sup> Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.<sup>57</sup>

An expired professional certificate may be reinstated if the applicant:

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area test for each certification area to be reinstated.<sup>58</sup>

If the applicant cannot meet the requirements for reinstatement of an expired professional certificate, he or she may be issued, if qualified, a three-year nonrenewable temporary certificate.<sup>59</sup> The requirements for reinstating an expired professional certificate are not satisfied by subject area tests or college credits completed for issuance of the expired certificate.<sup>60</sup>

#### Effect of Proposed Changes

The bill allows a candidate for a certificate to demonstrate mastery of general knowledge by achieving passing scores, as identified in state board rule, on a national or international examination that tests comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills. Such examinations include, but are not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination (GRE). The passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examination. The bill also deletes reference to the obsolete College Level Academic Skills Test (CLAST).

The bill more clearly restates methods by which a candidate for certification may demonstrate mastery of subject area knowledge to include:

- For a subject requiring only a bachelor's degree and for which there is a Florida-developed subject area examination, achievement of a passing score on the Florida-developed subject area examination as specified in state board rule;

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accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

<sup>53</sup> Section 1012.585(3)(a), F.S.

<sup>54</sup> Section 1012.585(c), F.S.; rule 6A-4.0051, F.A.C.

<sup>55</sup> Section 1012.585(3)(a), F.S.

<sup>56</sup> Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

<sup>57</sup> Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

<sup>58</sup> Section 1012.585(5), F.S.; rule 6A-4.0051(3) and (6), F.A.C.

<sup>59</sup> Rule 6A-4.004(7), F.A.C.

<sup>60</sup> Section 1012.585(5), F.S.

- For a subject for which a Florida subject area examination has not been developed, achievement of a passing score on a standardized examination as specified in state board rule, including, but not limited to, oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages;
- For a subject for which a Florida subject area has not been developed or a standardized has not been specified in state board rule, completion of the subject area specialization requirements and verification of the attainment of essential subject matter competencies by the district superintendent or chief administrative officer of the employing private school;
- For a subject requiring a master's or higher degree, completion of the subject area specialization requirements and achievement of a passing score on the Florida-developed subject area examination or a standardized examination specified in state board rule;
- Documentation of a valid professional standard teaching certificate issued by another state; or
- Documentation of a valid certificate issued by the NBPTS or a national educator credentialing board approved by the SBE.

The bill specifies that, to demonstrate mastery of professional preparation and education competence by documentation of two semesters of successful teaching in a Florida College System institution, the candidate must have taught on a full-time basis and must achieve a passing score on the professional education competency examination required by state board rule.

The bill repeals a provision requiring a longitudinal study comparing the performance of teachers who earned a certificate after graduating from a state-approved teacher preparation program, earned a certificate after completing a state-approved professional preparation and education competency program, or held a valid standard teaching certificate issued by another state. The study has been completed.

The bill clarifies that scientifically based reading instruction must be included in the professional education preparation content knowledge provided by a district competency-based professional development certification and education competency program.

With respect to renewal of a professional certificate, the bill clarifies that an applicant may renew a subject area specialization by passing a Florida-developed subject area examination or a standardized examination specified in state board rule if a Florida subject area examination has not been developed.

In addition, the bill requires the SBE to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.<sup>61</sup> This will allow a teacher who holds a professional certificate to use, or "bank," college credits or inservice points earned through training in teaching students with disabilities, in excess of six semester hours during one certificate-validity period, toward renewal of the professional certificate during subsequent validity periods. For a teacher with a temporary certificate, the rules must allow college credits or inservice points earned through training in teaching of such students to be used toward renewal of the teacher's first professional certificate if the professional certificate is issued without a lapse in time after expiration of the temporary certificate.

The bill conforms terminology in various sections of law to refer to students with limited English proficiency.

The bill requires the SBE to adopt rules that would require a candidate for reinstatement of an expired professional certificate to earn a minimum of one college credit, or the equivalent inservice points, in the area of instruction for teaching students with disabilities. The credit may be included as one of the six college credits the candidate must earn during the five years immediately preceding reinstatement of the expired certificate. In addition, the rules must require the candidate to achieve a passing score on

<sup>61</sup> Current law provides for expanded training for renewal of professional certificates for educators who must complete training in teaching students of limited English proficiency or reading. Section 1012.585(3)(d), F.S.

the Florida-developed subject area examination or, if a Florida subject area examination has not been developed, a standardized examination as specified in state board rule for each subject area to be shown on the reinstated certificate.

## Postsecondary Teacher Preparation Programs

### Present Situation

The State Board of Education (SBE) must maintain a system for development and approval of teacher preparation programs which allows postsecondary educator preparation institutions to employ varied and innovative educator preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals; help the state's diverse student population meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability.<sup>62</sup>

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:<sup>63</sup>

- Initial Teacher Preparation (ITP) programs: "Traditional" teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence.
- Educator Preparation Institutes (EPI): Alternative certification programs offered by postsecondary institutions for baccalaureate degree holders. The EPI programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate.
- District Professional Development Certification and Education Competency Programs: Cohesive competency-based professional preparation certification programs offered by Florida public school districts by which a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements.

Candidates applying for admission into a program must:

- Have a grade point average of 2.5 or higher in the general education component of undergraduate studies or have completed a bachelor's degree from an accredited college or university with a minimum 2.5 GPA.<sup>64</sup>
- Pass the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the SBE.<sup>65</sup>

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences.<sup>66</sup> Before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area or areas of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida

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<sup>62</sup> Section 1004.04(1), F.S.

<sup>63</sup> Florida Department of Education, Educator Preparation, <http://www.fldoe.org/profdev/approval.asp> (last visited Feb. 11, 2014); rule 6A-5.066, F.A.C.

<sup>64</sup> Section 1004.04(3)(b)1., F.S.

<sup>65</sup> Section 1004.04(3)(b)2., F.S.

<sup>66</sup> Section 1004.04(2)(c), F.S.



Teacher Certification Examination required for a professional certificate in the area or areas of program concentration.<sup>67</sup>

All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must:

- Have evidence of “clinical educator” training;
- Hold a valid professional certificate issued pursuant to law;
- Have at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective evaluation or be a peer evaluator under the district’s evaluation approved system.<sup>68</sup>

There are no exceptions established for the credentials instructional personnel must hold in order to supervise or direct teacher preparation students in another state through a Florida online or distance program.

### Effect of Proposed Changes

The bill modifies existing requirements for instructional personnel who supervise or direct teacher preparation students during field experience courses or internships to take into consideration courses or internships offered in another state through a Florida online or distance program. Such instructional personnel must have received “clinical educator” training or its equivalent in the state in which the field experience is taking place, hold a valid professional certificate issued by that state, and have at least three years of teaching experience in prekindergarten through grade 12. This will allow an out-of-state, distance-learning teacher preparation student to receive in-person field experience and internship supervision from certified instructional personnel employed by the school where the internship or field experience takes place.

## B. SECTION DIRECTORY:

Section 1. Amends s. 1004.04, F.S.; providing requirements for certain instructional personnel who supervise or direct preservice field experience.

Section 2. Amends s. 1012.56, F.S.; deleting obsolete provision and establishing a new provision relating to acceptable means of demonstrating mastery of general knowledge; revising acceptable means of demonstrating mastery of subject area knowledge and professional preparation and education competence; revising components of a competency-based professional development certification program; repealing s. 1012.56(17), F.S.; relating to a certification comparison study.

Section 3. Amends s. 1012.585, F.S.; revising certain requirements for the renewal or reinstatement of a professional certificate.

Section 4. Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

<sup>67</sup> Section 1004.04(2)(d), F.S.

<sup>68</sup> Section 1004.04(5)(b), F.S.

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There may be a fiscal impact to the individual teacher depending on the number of professional certificates pursued.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 19, 2014, the K-12 Subcommittee adopted one amendment to the PCS for HB 433 and reported the PCS, as amended, favorably. The amendment clarifies that scientifically based reading instruction must be included in the professional education preparation content knowledge provided by a district competency-based professional development certification and education competency program.



1                                   A bill to be entitled  
 2           An act relating to student eligibility for  
 3           extracurricular activities; amending s. 1002.33, F.S.;  
 4           conforming provisions; amending s. 1006.15, F.S.;  
 5           revising the definition of extracurricular activities;  
 6           correcting cross-references; revising provisions  
 7           enabling home education, charter school, virtual  
 8           education, and certain private school students to  
 9           participate in extracurricular activities at a public  
 10          school; authorizing students attending certain public  
 11          schools to participate in extracurricular activities  
 12          at another public school; requiring that district  
 13          school board eligibility policies apply evenly to all  
 14          students regardless of a student's extracurricular  
 15          activity; amending s. 1006.20, F.S.; revising  
 16          requirements for the bylaws of the Florida High School  
 17          Athletic Association; revising a transfer deadline;  
 18          requiring the bylaws to specify that the  
 19          preparticipation physical evaluation form advise  
 20          students to complete a cardiovascular assessment that  
 21          includes an electrocardiogram; requiring the  
 22          association to make available to parents literature on  
 23          the importance of preparticipation cardiovascular  
 24          assessment; providing an effective date.

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 26   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in ~~an interscholastic~~ extracurricular activities activity at the ~~public school to which the student would be otherwise assigned to attend~~ pursuant to s. 1006.15(3) (d).

Section 2. Subsections (2) and (3) and paragraphs (a) and (b) of subsection (8) of section 1006.15, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(2) ~~Interscholastic~~ Extracurricular ~~student~~ activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular activity" means any school-authorized or education-related activity occurring during or outside the regular instructional school day, including, but not limited to, interscholastic athletics regulated by the Florida High School Athletic Association (FHSAA); intramural athletics; and fine or performing arts,

53 speech and debate, and other academic or social clubs, teams, or  
 54 activities.

55 (3)(a) To be eligible to participate in ~~interscholastic~~  
 56 extracurricular ~~student~~ activities, a student must:

57 1. Maintain a grade point average of 2.0 or above on a 4.0  
 58 scale, or its equivalent, in the previous semester or a  
 59 cumulative grade point average of 2.0 or above on a 4.0 scale,  
 60 or its equivalent, in the courses required by s. 1002.3105(5)  
 61 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

62 2. Execute and fulfill the requirements of an academic  
 63 performance contract between the student, the district school  
 64 board, the appropriate governing association, and the student's  
 65 parents, if the student's cumulative grade point average falls  
 66 below 2.0, or its equivalent, on a 4.0 scale in the courses  
 67 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.  
 68 At a minimum, the contract must require that the student attend  
 69 summer school, or its graded equivalent, between grades 9 and 10  
 70 or grades 10 and 11, as necessary.

71 3. Have a cumulative grade point average of 2.0 or above  
 72 on a 4.0 scale, or its equivalent, in the courses required by s.  
 73 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her  
 74 junior or senior year.

75 4. Maintain satisfactory conduct, including adherence to  
 76 appropriate dress and other codes of student conduct policies  
 77 described in s. 1006.07(2). If a student is convicted of, or is  
 78 found to have committed, a felony or a delinquent act that would

79 have been a felony if committed by an adult, regardless of  
 80 whether adjudication is withheld, the student's participation in  
 81 ~~interscholastic~~ extracurricular activities is contingent upon  
 82 established and published district school board policy.

83 (b) Any student who is exempt from attending a full school  
 84 day based on rules adopted by the district school board for  
 85 double session schools or programs, experimental schools, or  
 86 schools operating under emergency conditions must maintain the  
 87 grade point average required by this section and pass each class  
 88 for which he or she is enrolled.

89 (c) An individual home education student is eligible to  
 90 participate at any the public school in the school district in  
 91 which he or she resides ~~to which the student would be assigned~~  
 92 ~~according to district school board attendance area policies or a~~  
 93 public school in another school district which the student could  
 94 choose to attend pursuant to ~~district or~~ interdistrict  
 95 controlled open enrollment policies provisions, or may develop  
 96 an agreement to participate at a private school, in the  
 97 ~~interscholastic~~ extracurricular activities of that school,  
 98 provided the following conditions are met:

99 1. The home education student must meet the requirements  
 100 of the home education program pursuant to s. 1002.41.

101 2. During the period of participation at a school, the  
 102 home education student must demonstrate educational progress ~~as~~  
 103 ~~required in paragraph (b)~~ in all subjects taken in the home  
 104 education program by a method of evaluation agreed upon by the

105 parent and the school principal which may include: review of the  
 106 student's work by a certified teacher chosen by the parent;  
 107 grades earned through correspondence; grades earned in courses  
 108 taken at a Florida College System institution, university, or  
 109 trade school; standardized test scores above the 35th  
 110 percentile; or any other method designated in s. 1002.41.

111 ~~3. The home education student must meet the same residency~~  
 112 ~~requirements as other students in the school at which he or she~~  
 113 ~~participates.~~

114 3.4. The home education student must meet the same  
 115 standards of acceptance, behavior, and performance as required  
 116 of other students in extracurricular activities.

117 4.5. The student must register with the school his or her  
 118 intent to participate in ~~interscholastic~~ extracurricular  
 119 activities as a representative of the school before the  
 120 beginning date of the particular athletic season or other ~~for~~  
 121 ~~the~~ activity in which he or she wishes to participate. A home  
 122 education student must be able to participate in curricular  
 123 activities if that is a requirement for an extracurricular  
 124 activity.

125 5.6. A student who transfers from a home education program  
 126 to a public school before or during the first grading period of  
 127 the school year is academically eligible to participate in  
 128 ~~interscholastic~~ extracurricular activities during the first  
 129 grading period provided the student has a successful evaluation  
 130 from the previous school year, pursuant to subparagraph 2.



131           6.7. Any public school or private school student who has  
 132 been unable to maintain academic eligibility for participation  
 133 in ~~interscholastic~~ extracurricular activities is ineligible to  
 134 participate in such activities as a home education student until  
 135 the student has successfully completed one grading period in  
 136 home education pursuant to subparagraph 2. to become eligible to  
 137 participate as a home education student.

138           (d) An individual charter school student pursuant to s.  
 139 1002.33 is eligible to participate at any ~~the~~ public school in  
 140 the school district in which he or she resides ~~to which the~~  
 141 ~~student would be assigned according to district school board~~  
 142 ~~attendance area policies~~ or a public school in another school  
 143 district which the student could choose to attend, pursuant to  
 144 ~~district or interdistrict controlled~~ open enrollment policies  
 145 ~~open enrollment provisions~~, in any interscholastic  
 146 extracurricular activity of that school, unless such activity is  
 147 provided by the student's charter school, if the following  
 148 conditions are met:

149           1. The charter school student must meet the requirements  
 150 of the charter school education program as determined by the  
 151 charter school governing board.

152           2. During the period of participation at a school, the  
 153 charter school student must demonstrate educational progress as  
 154 required in paragraph (a) ~~(b)~~.

155           ~~3. The charter school student must meet the same residency~~  
 156 ~~requirements as other students in the school at which he or she~~

157 ~~participates.~~

158       ~~3.4.~~ The charter school student must meet the same  
 159 standards of acceptance, behavior, and performance that are  
 160 required of other students in extracurricular activities.

161       ~~4.5.~~ The charter school student must register with the  
 162 school his or her intent to participate in ~~interscholastic~~  
 163 extracurricular activities as a representative of the school  
 164 before the beginning date of the particular athletic season or  
 165 other ~~for the~~ activity in which he or she wishes to participate.  
 166 A charter school student must be able to participate in  
 167 curricular activities if that is a requirement for an  
 168 extracurricular activity.

169       ~~5.6.~~ A student who transfers from a charter school ~~program~~  
 170 to a traditional public school before or during the first  
 171 grading period of the school year is academically eligible to  
 172 participate in ~~interscholastic~~ extracurricular activities during  
 173 the first grading period if the student has a successful  
 174 evaluation from the previous school year, pursuant to  
 175 subparagraph 2.

176       ~~6.7.~~ Any public school or private school student who has  
 177 been unable to maintain academic eligibility for participation  
 178 in ~~interscholastic~~ extracurricular activities is ineligible to  
 179 participate in such activities as a charter school student until  
 180 the student has successfully completed one grading period in a  
 181 charter school pursuant to subparagraph 2. to become eligible to  
 182 participate as a charter school student.

183 (e) A student enrolled ~~of the Florida Virtual School~~ full-  
 184 time in a virtual instruction program pursuant to s. 1002.45, a  
 185 virtual charter school pursuant to s. 1002.33, or the Florida  
 186 Virtual School pursuant to s. 1002.37 may participate in any  
 187 ~~interscholastic~~ extracurricular activity at any the public  
 188 school in the school district in which he or she resides or a  
 189 public school in another school district to which the student  
 190 ~~would be assigned according to district school board attendance~~  
 191 ~~area policies or~~ which the student could choose to attend,  
 192 pursuant to ~~district or~~ interdistrict controlled open enrollment  
 193 policies, if the student:

194 1. During the period of participation in the  
 195 ~~interscholastic~~ extracurricular activity, meets the requirements  
 196 in paragraph (a).

197 2. ~~Meets any additional requirements as determined by the~~  
 198 ~~board of trustees of the Florida Virtual School.~~

199 3. ~~Meets the same residency requirements as other students~~  
 200 ~~in the school at which he or she participates.~~

201 2.4. Meets the same standards of acceptance, behavior, and  
 202 performance that are required of other students in  
 203 extracurricular activities.

204 3.5. Registers his or her intent to participate in  
 205 ~~interscholastic~~ extracurricular activities with the school  
 206 before the beginning date of the particular athletic season or  
 207 other ~~for the~~ activity in which he or she wishes to participate.

208 A ~~Florida Virtual School~~ student must be able to participate in

209 curricular activities if that is a requirement for an  
 210 extracurricular activity.

211 4.(f) A student who transfers from a ~~the Florida Virtual~~  
 212 ~~School~~ full-time virtual education program to a traditional  
 213 public school before or during the first grading period of the  
 214 school year is academically eligible to participate in  
 215 ~~interscholastic~~ extracurricular activities during the first  
 216 grading period if the student has a successful evaluation from  
 217 the previous school year pursuant to paragraph (a).

218 5.(g) A public school or private school student who has  
 219 been unable to maintain academic eligibility for participation  
 220 in ~~interscholastic~~ extracurricular activities is ineligible to  
 221 participate in such activities as a full-time virtual education  
 222 ~~Florida Virtual School~~ student until the student successfully  
 223 completes one grading period in the virtual education program  
 224 ~~Florida Virtual School~~ pursuant to paragraph (a).

225 (f) A student who is enrolled in a public school that does  
 226 not offer a particular extracurricular activity may participate  
 227 in that activity at any public school in the school district in  
 228 which he or she resides or a public school in another school  
 229 district which the student could choose to attend pursuant to  
 230 interdistrict controlled open enrollment policies, if the  
 231 student:

232 1. During the period of participation in the  
 233 extracurricular activity, meets the requirements in paragraph  
 234 (a).

235 2. Meets the same standards of acceptance, behavior, and  
 236 performance that are required of other students participating in  
 237 extracurricular activities.

238 3. Registers his or her intent to participate in  
 239 extracurricular activities with the school before the beginning  
 240 date of the particular athletic season or activity in which he  
 241 or she wishes to participate.

242 (g) The parents of a student who participates in an  
 243 extracurricular activity under paragraph (d), paragraph (e), or  
 244 paragraph (f) are responsible for transporting their child to  
 245 and from the school at which the student participates. The  
 246 school that the student attends, the school at which the student  
 247 participates in the extracurricular activity, the district  
 248 school board, and the FHSAA are exempt from civil liability  
 249 arising from any injury that occurs to the student during such  
 250 transportation.

251 (8) (a) The FHSAA ~~Florida High School Athletic Association~~  
 252 ~~(FHSAA)~~, in cooperation with each district school board, shall  
 253 facilitate a program in which a middle school or high school  
 254 student who attends a private school shall be eligible to  
 255 participate in ~~an~~ interscholastic or intramural athletics  
 256 ~~intrascholastic sport~~ at any a public high school, a public  
 257 middle school, or a 6-12 public school in the school district in  
 258 which he or she that is zoned for the physical address at which  
 259 ~~the student~~ resides or at a public school in another school  
 260 district which the student could choose to attend pursuant to

261 interdistrict controlled open enrollment policies if:

262 1. The private school in which the student is enrolled is  
 263 not a member of the FHSAA and does not offer the particular an  
 264 interscholastic or intramural athletic activity in which the  
 265 student seeks participation ~~intrascholastic athletic program.~~

266 2. The private school student meets the guidelines for the  
 267 conduct of the program established by the FHSAA's board of  
 268 directors and the district school board. At a minimum, such  
 269 guidelines shall provide:

270 a. A deadline for each sport by which the private school  
 271 student's parents must register with the public school in  
 272 writing their intent for their child to participate at that  
 273 school in the athletic activity ~~sport.~~

274 b. Requirements for a private school student to  
 275 participate, including, but not limited to, meeting the same  
 276 standards of eligibility, acceptance, behavior, educational  
 277 progress, and performance which apply to other students  
 278 participating in interscholastic or intramural athletic  
 279 activities ~~intrascholastic sports~~ at a public school or FHSAA  
 280 member private school.

281 (b) The parents of a private school student participating  
 282 in a public school athletic activity ~~sport~~ under this subsection  
 283 are responsible for transporting their child to and from the  
 284 public school at which the student participates. The private  
 285 school the student attends, the public school at which the  
 286 student participates in an athletic activity ~~a sport~~, the

287 district school board, and the FHSAA are exempt from civil  
 288 liability arising from any injury that occurs to the student  
 289 during such transportation.

290 (9) District school board policies regarding eligibility  
 291 for extracurricular activities, including the eligibility of  
 292 transfer students, must apply evenly to all students regardless  
 293 of the extracurricular activity in which the student seeks to  
 294 participate.

295 Section 3. Paragraphs (a) and (c) of subsection (2) of  
 296 section 1006.20, Florida Statutes, are amended to read:

297 1006.20 Athletics in public K-12 schools.—

298 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

299 (a) The FHSAA shall adopt bylaws that, unless specifically  
 300 provided by statute, establish eligibility requirements for all  
 301 students who participate in high school athletic competition in  
 302 its member schools. The bylaws governing residence and transfer  
 303 shall allow the student to be eligible in the school in which he  
 304 or she first enrolls each school year or the school in which the  
 305 student makes himself or herself a candidate for an athletic  
 306 team by engaging in a practice prior to enrolling in the school.  
 307 The bylaws shall also allow the student to be eligible in the  
 308 school to which the student has transferred during the school  
 309 year if the transfer is made by a deadline established by the  
 310 FHSAA, which may not be prior to the date authorized for the  
 311 beginning of practice for the sport. If the date authorized for  
 312 the beginning of practice is before the first day of the grading

313 period in which the regular season games begin, the transfer  
 314 deadline may not be before the first day of such grading period.  
 315 These transfers shall be allowed pursuant to the district school  
 316 board policies in the case of transfer to a public school or  
 317 pursuant to the private school policies in the case of transfer  
 318 to a private school. The student shall be eligible in that  
 319 school so long as he or she remains enrolled in that school.  
 320 Subsequent eligibility shall be determined and enforced through  
 321 the FHSAA's bylaws. Requirements governing eligibility and  
 322 transfer between member schools shall be applied similarly to  
 323 public school students and private school students.

324 (c) The FHSAA shall adopt bylaws that require all students  
 325 participating in interscholastic athletic competition or who are  
 326 candidates for an interscholastic athletic team to  
 327 satisfactorily pass a medical evaluation each year before ~~prior~~  
 328 ~~to~~ participating in interscholastic athletic competition or  
 329 engaging in any practice, tryout, workout, or other physical  
 330 activity associated with the student's candidacy for an  
 331 interscholastic athletic team. ~~Such medical evaluation may be~~  
 332 ~~administered only by~~ A practitioner licensed under chapter 458,  
 333 chapter 459, or chapter 460, or certified under s. 464.012, who  
 334 is and in good standing with his or her professional ~~the~~  
 335 ~~practitioner's~~ regulatory board, shall administer the medical  
 336 evaluation. The bylaws shall establish requirements for  
 337 eliciting a student's medical history and performing the medical  
 338 evaluation required under this paragraph, which shall include a



339 physical assessment of the student's physical capabilities to  
 340 participate in interscholastic athletic competition as contained  
 341 in a uniform preparticipation physical evaluation and history  
 342 form. The evaluation form shall incorporate the recommendations  
 343 of the American Heart Association for participation  
 344 cardiovascular screening and shall provide a place for the  
 345 signature of the practitioner performing the evaluation with an  
 346 attestation that each examination procedure listed on the form  
 347 was performed by the practitioner or by someone under the direct  
 348 supervision of the practitioner. The form shall also contain a  
 349 place for the practitioner to indicate if a referral to another  
 350 practitioner was made in lieu of completion of a certain  
 351 examination procedure. The form shall provide a place for the  
 352 practitioner to whom the student was referred to complete the  
 353 remaining sections and attest to that portion of the  
 354 examination. The preparticipation physical evaluation form shall  
 355 contain information that advises a student ~~advise students~~ to  
 356 complete a cardiovascular assessment that includes an  
 357 electrocardiogram. The preparticipation physical evaluation form  
 358 ~~and~~ shall also include information concerning alternative  
 359 cardiovascular evaluation and diagnostic tests. Results of such  
 360 medical evaluation must be provided to the school. A ~~No~~ student  
 361 is not ~~shall be~~ eligible to participate in any interscholastic  
 362 athletic competition or engage in any practice, tryout, workout,  
 363 or other physical activity associated with the student's  
 364 candidacy for an interscholastic athletic team until the results

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365 | of the medical evaluation have been received and approved by the  
366 | school. The FHSAA shall make available to the parent of each  
367 | student literature on the importance of a preparticipation  
368 | cardiovascular assessment that includes an electrocardiogram.

369 |       Section 4. This act shall take effect July 1, 2014.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 533 Student Eligibility for Extracurricular Activities  
**SPONSOR(S):** Choice & Innovation Subcommittee; Diaz, Jr. and Saunders  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>M</i>

### SUMMARY ANALYSIS

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day. The law specifies general academic and personal conduct requirements for student participation in extracurricular activities. The law and Florida High School Athletics Association (FHSAA) bylaws generally state that a student is eligible to participate in athletics at the school in which he or she first enrolls each school year; first makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school; or transfers during the school year. These general rules are tailored to students attending traditional public schools and private schools that offer their own athletics programs. Florida law and FHSAA bylaws also address athletic eligibility for students enrolled in educational choice options that offer limited or no athletic programs. Such opportunities are provided for home education, Florida Virtual School (FLVS), charter school, and FHSAA non-member private school students and students in district-operated alternative schools or schools of choice. Generally speaking, the participation provisions for each type of student vary as to the district public schools at which a student may seek to participate and the activities in which the student may seek to participate.

The bill broadens the definition of "extracurricular activities" to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. Generally speaking, the bill revises participation requirements for students enrolled in school choice options to minimize variations regarding the public schools such students may participate at and which activities such students may participate in. Among other things, the bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. District school board eligibility policies must evenly apply to all students, including transfer students, regardless of the extracurricular activity in which he or she participates. Additionally, the bill expands the ability of FHSAA nonmember private school students to participate in athletics at public schools. Such a student may participate in any sport not offered by his or her private school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies.

Florida law requires a uniform preparticipation physical evaluation form be used to elicit a student's medical history and to conduct a physical assessment of the student's physical capabilities used to participate in athletic competition. This form must advise a student to complete a cardiovascular assessment. The bill requires the preparticipation physical evaluation form to advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires FHSAA to make literature available to parents on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

The bill does not have a fiscal impact on state or local governments.

Provides an effective date of July 1, 2014.

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

STORAGE NAME: h0533d.EDC.DOCX

DATE: 3/10/2014

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Extracurricular Participation

###### Present Situation

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day.<sup>1</sup> Such activities include athletics,<sup>2</sup> marching band, chorus, and academic clubs.

###### Student Eligibility

To be eligible for participation in interscholastic extracurricular activities, a high school student must:

- Maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation; or a cumulative 2.0 GPA or above in the courses required for high school graduation;<sup>3</sup>
- Execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0 in the courses required for graduation. An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's parents, which at a minimum requires the student to attend summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;<sup>4</sup>
- Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year;<sup>5</sup> and
- Demonstrate satisfactory conduct to be eligible to participate in interscholastic extracurricular activities. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.<sup>6</sup>

The Florida High School Athletic Association (FHSAA) is the designated governing nonprofit organization of athletics in Florida public schools. Generally speaking, a student is eligible to participate in high school athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.<sup>7</sup> FHSAA bylaws must allow athletic eligibility for mid-year transfer students if the transfer is made by a deadline established by FHSAA, which may not be prior to the date authorized for the beginning of practice for a particular sport.<sup>8</sup> However, FHSAA bylaws authorize member schools to adopt eligibility requirements that are more stringent than the bylaws.<sup>9</sup> Some school districts have

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<sup>1</sup> Section 1006.15, F.S.

<sup>2</sup> "Interscholastic athletic programs encompass all activities relating to competitive sport contests involving individual students or teams of students from one school against individual students or teams of students from another school. Such activities include, but are not limited to, tryouts, offseason conditioning, summer workouts, preseason conditioning, in-season practice and contests." Section 9.2.1.2 of Bylaw 9.2.1, *FHSAA*. FHSAA's bylaws may be found in the FHSAA Handbook, available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/13-14\\_handbook.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/13-14_handbook.pdf).

<sup>3</sup> Section 1006.15(3)(a)1., F.S.

<sup>4</sup> Section 1006.15(3)(a)2., F.S.

<sup>5</sup> Section 1006.15(3)(a)3., F.S.

<sup>6</sup> Section 1006.15(3)(a)4., F.S.

<sup>7</sup> Section 1006.20(2)(a), F.S.

<sup>8</sup> Section 1006.20(2)(a), F.S.

<sup>9</sup> Section 9.1.1.1 of bylaw 9.1, FHSAA.

adopted eligibility policies that impose wait times or other barriers to transfer student eligibility for athletics, while imposing no barriers to transfer student participation in nonathletic activities.<sup>10</sup>

### Eligibility and School Choice

Currently, the law enables a student enrolled in home education, the Florida Virtual School (FLVS), a charter school, or a FHSAA nonmember private school to participate in certain extracurricular activities at another public school in his or her home school district. Although not addressed in law, FHSAA has also adopted a bylaw enabling participation in interscholastic athletics by students enrolled in an alternative school or magnet school. Generally speaking, the participation provisions for each type of student vary as to which district public schools at which a student may seek to participate and the activities in which the student may seek to participate.

#### *Home Education and Florida Virtual School Student Participation*

A home education student or FLVS student may participate in any sport at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.<sup>11</sup> A home education student may also develop an agreement to participate at a private school.<sup>12</sup>

#### *Charter School Student Participation*

A charter school student may participate in any sport that is not offered by the charter school, even if the charter school offers other sports, at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.<sup>13</sup>

#### *Public School of Choice and Alternative School Student Participation*

While not addressed by statute, the FHSAA has adopted policies and bylaws enabling students who attend a public school of choice or alternative school to participate in athletics. A student who attends such a school may participate in any sport at a public high school, but only if his or her school does not offer any sports programs.<sup>14</sup> Such a student may participate at any public school for which the student is zoned or could attend through district controlled open enrollment provisions.<sup>15</sup>

#### *Private School Student Participation*

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.<sup>16</sup> Only students attending a FHSAA nonmember private school with enrollment of 125 or fewer students may participate in a public school athletic program.<sup>17</sup> A private school student may only participate at the public school in which the student first registers or is a candidate for participation by engaging in a practice.<sup>18</sup>

The parents of a private school student who participates in athletics at a public school are responsible for transporting the student to and from the public school. The student's private school, the public

<sup>10</sup> See, e.g., Policy 8.801, Bay County School Board and Policy 4.43, Clay County School Board.

<sup>11</sup> Section 1006.15(3)(c), F.S.; Section 1106.15(3)(e), F.S.

<sup>12</sup> Section 1006.15(2)(c), F.S.

<sup>13</sup> Section 1006.15(3)(d), F.S.

<sup>14</sup> Policy 16.6.1.5 of the FHSAA.

<sup>15</sup> Bylaw 9.2.2.4, FHSAA.

<sup>16</sup> Section 1006.15(8)(a), F.S.

<sup>17</sup> Section 1006.15(8)(a)1., F.S.

<sup>18</sup> Section 1006.15(8)(c), F.S.

school where the student participates in athletics, the district school board, and the FHSAA are exempt from liability arising from any injury that occurs during such transportation.<sup>19</sup>

## **Effect of Proposed Changes**

The bill broadens the definition of “extracurricular activities” to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. In effect, this change clarifies that the special eligibility provisions in law for home education, charter school, virtual education, and public school students apply to all extracurricular activities, not just athletics.

Generally speaking, the bill revises eligibility requirements for students enrolled in various educational options to minimize variations regarding the public schools at which a student may seek to participate and the activities in which the student may seek to participate. Among other things, the bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. The bill retains the ability of home education student to develop an agreement to participate at a private school.

The parents of a student who participates in extracurricular activities pursuant to these requirements must transport the student to and from the school at which the student participates. The public school, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs due to such transportation.

The bill increases the opportunity for private school students who attend a private school that is not a member of the FHSAA to participate in interscholastic and intrascholastic sports at public schools. The bill allows such students to participate in any sport not offered by the private school at any public school his or her home school district or a public school in another district pursuant to interdistrict controlled open enrollment.

The bill requires district school board policies to evenly apply eligibility requirements, including the eligibility of transfer students, to all students regardless of the extracurricular activity. The bill also prohibits the FHSAA from establishing a transfer deadline prior to the first day of the grading period in which regular season games begin, if the date authorized for practice is prior to the first day of such grading period. Thus, students who delay transfer until the end of the grading period for academic reasons will not be penalized.

## **Physical Evaluation**

### **Present Situation**

Among other things, the FHSAA is required to adopt bylaws requiring students participating in athletics to satisfactorily pass an annual medical evaluation.<sup>20</sup> FHSAA bylaws require each student to undergo a physical evaluation each year prior to participation in interscholastic athletic programs.<sup>21</sup> The completed physical evaluation form must be on file in the school before a student participates in an activity related to interscholastic athletic programs.<sup>22</sup> And the physical evaluation must be completed by either a

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<sup>19</sup> Section 1006.15(8)(b), F.S.

<sup>20</sup> Section 1006.20(1) and (2), F.S.

<sup>21</sup> Bylaw 9.7.1, FHSAA.

<sup>22</sup> Bylaw 9.7.2, FHSAA.

licensed physician, a licensed osteopathic physician, a licensed chiropractic physician, a licensed physician assistant or a certified advanced registered nurse practitioner.<sup>23</sup>

According to Florida law, these bylaws must require a uniform preparticipation form be used to elicit a student's medical history and to conduct a physical assessment of the student's physical capabilities used to participate in athletic competition.<sup>24</sup> This evaluation form must:

- Incorporate the recommendations of the American Heart Association for participation cardiovascular screening.<sup>25</sup>
- Provide a place for the practitioner's signature indicating the completion of each examination procedure listed on the form.<sup>26</sup>
- Include a place for the referral of a student to another practitioner and subsequent completion of examination procedures by the new practitioner.<sup>27</sup>
- Advise a student to complete a cardiovascular assessment.<sup>28</sup>

A routine electrocardiogram costs around \$35, including both technical costs and the cost of a physician's interpretation of the test results.<sup>29</sup> An exercise stress test involving an electrocardiogram costs around \$151.<sup>30</sup> The results of these tests could lead to further medical testing, which could involve additional costs.<sup>31</sup>

### Effect of Proposed Changes

The bill requires that the preparticipation physical evaluation form advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires the FHSAA to make available to parents literature on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 1002.33, F.S., relating to charter schools.

<sup>23</sup> *Id.* Florida law requires the evaluation to be administered by a practitioner licensed under chapter 458, chapter 459, chapter 468, or s. 464.012. Section 1006.20(2)(c), F.S.

<sup>24</sup> Section 1006.20(2)(c), F.S.

<sup>25</sup> *Id.* A 2012 advisory report from the American Heart Association advances underlying principles for screening strategies that suggest a "successful screening program will require extensive planning and will not be able to eliminate sudden cardiac deaths completely," "[a]ny broad screening strategy should be widely supported and available to all children," "pilot screening programs must track their performance," "[p]ediatric cardiovascular specialists need to be included in strategies that look to identify cardiac disease so that any enhanced screening strategies are practical in terms of manpower and integrate well into the current practice of identifying children thought to be at increased risk for arrhythmia, ischemia, or sudden death events," and "secondary prevention of sudden death with training of cardiopulmonary resuscitation and deployment of automatic external defibrillators must be emphasized." American Heart Association, *Key Concepts in the Evaluation of Screening Approaches for Heart Disease in Children and Adolescents: A Science Advisory from the American Heart Association* (2012), available at <http://circ.ahajournals.org/content/early/2012/04/30/CIR.0b013e3182579f25.full.pdf>.

<sup>26</sup> Section 1006.20(2)(c), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Healthcare Bluebook, *Electrocardiogram*, [https://www.healthcarebluebook.com/page\\_Results.aspx?id=189&dataset=MD&g=Electrocardiogram](https://www.healthcarebluebook.com/page_Results.aspx?id=189&dataset=MD&g=Electrocardiogram) (last visited Feb. 3, 2014). This is the fair price that Healthcare Bluebook calculates based on the price providers typically accept from insurance companies. The price may vary by geographical area. *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> American Heart Association, *Recommendations and Considerations Related to Preparticipation Screening for Cardiovascular Abnormalities in Competitive Athletes: 2007 Update: A Scientific Statement From the American Heart Association Council on Nutrition, Physical Activity, and Metabolism: Endorsed by the American College of Cardiology Foundation* (2007), p. 1649, available at <http://circ.ahajournals.org/content/115/12/1643.full.pdf>.

**Section 2.** Amends s. 1006.15, F.S., relating to student eligibility for extracurricular activities.

**Section 3.** Amends s. 1006.20, F.S., revising requirements for the bylaws of the Florida High School Athletic Association.

**Section 4.** Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be an indeterminate impact on the private sector if students elect to undergo a cardiovascular assessment that includes an electrocardiogram.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.



#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 11, 2014, the Choice & Innovation Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment added provisions:

- Specifying that students enrolled in home education, virtual education, charter schools, alternative schools, magnet schools, and traditional public schools may participate in extracurricular activities not offered by their school at any public school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.
- Clarifying that this expanded participation includes interscholastic athletics, as well as intramural sports, fine and performing arts activities, academic teams, and similar activities.
- Revising existing law enabling students enrolled in a FHSAA nonmember private school to participate in athletics at their zoned public school to allow them to participate at any public school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.
- Prohibiting school boards from adopting eligibility policies that treat students differently, especially transfer students, based upon the activity in which they seek participation.
- Revising the transfer eligibility deadline so that students who delay transfer for academic reasons are not penalized.

This bill analysis is drafted to the committee substitute.



1                                    A bill to be entitled  
 2                    An act relating to background screening; amending s.  
 3                    1002.45, F.S.; revising the requirement relating to  
 4                    background screening of instructional personnel in  
 5                    virtual instruction programs; amending s. 1012.315,  
 6                    F.S.; providing additional offenses that determine  
 7                    ineligibility for educator certification or employment  
 8                    in a position that requires direct contact with  
 9                    students; amending s. 1012.32, F.S.; revising  
 10                    requirements for the retention, search, and reporting  
 11                    of fingerprints of school personnel; providing for  
 12                    Department of Law Enforcement participation in the  
 13                    national retained print arrest notification program;  
 14                    providing for fees; amending s. 1012.465, F.S.;  
 15                    providing background screening requirements for  
 16                    certain school district employees, certain contractual  
 17                    personnel, and instructional personnel in virtual  
 18                    instruction programs; requiring a fingerprint-based  
 19                    criminal history background screening; providing  
 20                    requirements for submission, retention, search, and  
 21                    reporting of fingerprints; providing for fees;  
 22                    amending s. 1012.467, F.S.; requiring the fingerprints  
 23                    of certain noninstructional contractors to be enrolled  
 24                    in the national retained print arrest notification  
 25                    program; requiring arrest fingerprints to be searched  
 26                    against state and federal retained fingerprints;

27 providing for fees to be established in rule; revising  
 28 provisions relating to sharing criminal history  
 29 information; amending s. 1012.56, F.S.; revising  
 30 provisions relating to background rescreening for  
 31 educator certification; amending s. 1012.796;  
 32 including persons employed by virtual instruction  
 33 providers against which complaints may be filed;  
 34 amending s. 1012.797, F.S.; revising provisions  
 35 relating to notification to education providers of  
 36 charges against school district employees; reenacting  
 37 ss. 1001.42(7), 1002.33(12)(g), 1002.36(7)(g),  
 38 1002.421(4)(a), 1012.32(1) and (2), 1012.56(10)(a) and  
 39 (c), and 1012.795(1)(n), F.S., relating to district  
 40 school board powers and duties, charter schools, the  
 41 Florida School for the Deaf and the Blind, the  
 42 accountability of private schools participating in  
 43 state school choice scholarship programs,  
 44 qualifications of personnel, educator certification  
 45 requirements, and Education Practices Commission  
 46 authority to discipline, respectively, to incorporate  
 47 the amendment made to s. 1012.315, F.S., in references  
 48 thereto; providing an effective date.

49  
 50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. Paragraph (a) of subsection (2) of section

53 1002.45, Florida Statutes, is amended to read:  
 54 1002.45 Virtual instruction programs.—  
 55 (2) PROVIDER QUALIFICATIONS.—  
 56 (a) The department shall annually publish online a list of  
 57 providers approved to offer virtual instruction programs. To be  
 58 approved by the department, a provider must document that it:  
 59 1. Is nonsectarian in its programs, admission policies,  
 60 employment practices, and operations.†  
 61 2. Complies with the antidiscrimination provisions of s.  
 62 1000.05.†  
 63 3. Locates an administrative office or offices in this  
 64 state.†  
 65 4. Requires its administrative staff to be state  
 66 residents.†  
 67 5. Requires all instructional staff to hold a valid  
 68 Florida educator certificate ~~be Florida-certified teachers~~ under  
 69 chapter 1012. ~~and~~  
 70 6. Has submitted a signed affidavit under penalty of  
 71 perjury stating that all instructional personnel employed by the  
 72 provider hold a valid Florida educator certificate in good  
 73 standing and have undergone ~~conducts~~ background screening  
 74 ~~screenings for all employees or contracted personnel, as~~  
 75 ~~required by s. 1012.465 1012.32, using state and national~~  
 76 ~~criminal history records.~~†  
 77 7.4. Provides to parents and students specific information  
 78 posted and accessible online that includes, but is not limited

79 to, the following teacher-parent and teacher-student contact  
 80 information for each course:

81 a. How to contact the instructor via phone, e-mail, or  
 82 online messaging tools.

83 b. How to contact technical support via phone, e-mail, or  
 84 online messaging tools.

85 c. How to contact the administration office via phone, e-  
 86 mail, or online messaging tools.

87 d. Any requirement for regular contact with the instructor  
 88 for the course and clear expectations for meeting the  
 89 requirement.

90 e. The requirement that the instructor in each course  
 91 must, at a minimum, conduct one contact via phone with the  
 92 parent and the student each month.~~†~~

93 ~~8.5.~~ Possesses prior, successful experience offering  
 94 online courses to elementary, middle, or high school students as  
 95 demonstrated by quantified student learning gains in each  
 96 subject area and grade level provided for consideration as an  
 97 instructional program option. However, for a provider without  
 98 sufficient prior, successful experience offering online courses,  
 99 the department may conditionally approve the provider to offer  
 100 courses measured pursuant to subparagraph (8)(a)2. Conditional  
 101 approval shall be valid for 1 school year only and, based on the  
 102 provider's experience in offering the courses, the department  
 103 shall determine whether to grant approval to offer a virtual  
 104 instruction program.~~†~~

105        9.6. Is accredited by a regional accrediting association  
 106 as defined by State Board of Education rule.~~†~~

107        10.7. Ensures instructional and curricular quality through  
 108 a detailed curriculum and student performance accountability  
 109 plan that addresses every subject and grade level it intends to  
 110 provide through contract with the school district, including:

111            a. Courses and programs that meet the standards of the  
 112 International Association for K-12 Online Learning and the  
 113 Southern Regional Education Board.

114            b. Instructional content and services that align with, and  
 115 measure student attainment of, student proficiency in the Next  
 116 Generation Sunshine State Standards.

117            c. Mechanisms that determine and ensure that a student has  
 118 satisfied requirements for grade level promotion and high school  
 119 graduation with a standard diploma, as appropriate.~~†~~

120        11.8. Publishes for the general public, in accordance with  
 121 disclosure requirements adopted in rule by the State Board of  
 122 Education, as part of its application as a provider and in all  
 123 contracts negotiated pursuant to this section:

124            a. Information and data about the curriculum of each full-  
 125 time and part-time program.

126            b. School policies and procedures.

127            c. Certification status and physical location of all  
 128 administrative and instructional personnel.

129            d. Hours and times of availability of instructional  
 130 personnel.

- 131 e. Student-teacher ratios.
- 132 f. Student completion and promotion rates.
- 133 g. Student, educator, and school performance
- 134 accountability outcomes.~~†~~

135 ~~12.9.~~ If the provider is a Florida College System  
 136 institution, employs instructors who meet the certification  
 137 requirements for instructional staff under chapter 1012.~~†~~ and

138 ~~13.10.~~ Performs an annual financial audit of its accounts  
 139 and records conducted by an independent certified public  
 140 accountant which is in accordance with rules adopted by the  
 141 Auditor General, is conducted in compliance with generally  
 142 accepted auditing standards, and includes a report on financial  
 143 statements presented in accordance with generally accepted  
 144 accounting principles.

145 Section 2. Section 1012.315, Florida Statutes, is amended  
 146 to read:

147 1012.315 Disqualification from employment.—A person is  
 148 ineligible for educator certification, and instructional  
 149 personnel and school administrators, as defined in s. 1012.01,  
 150 are ineligible for employment in any position that requires  
 151 direct contact with students in a district school system,  
 152 charter school, or private school that accepts scholarship  
 153 students under s. 1002.39 or s. 1002.395, if the person,  
 154 instructional personnel, or school administrator has been  
 155 convicted of:

- 156 (1) Any felony offense prohibited under any of the



157 following statutes:

158 (a) Section 39.205, relating to failure to report child  
 159 abuse, abandonment, or neglect.

160 (b)(a) Section 393.135, relating to sexual misconduct with  
 161 certain developmentally disabled clients and reporting of such  
 162 sexual misconduct.

163 (c)(b) Section 394.4593, relating to sexual misconduct  
 164 with certain mental health patients and reporting of such sexual  
 165 misconduct.

166 (d)(e) Section 415.111, relating to adult abuse, neglect,  
 167 or exploitation of aged persons or disabled adults.

168 (e) Section 775.085, relating to evidencing prejudice  
 169 while committing offense, if reclassified as a felony.

170 (f)(d) Section 782.04, relating to murder.

171 (g) Section 782.051, relating to attempted felony murder.

172 (h)(e) Section 782.07, relating to manslaughter,  
 173 aggravated manslaughter of an elderly person or disabled adult,  
 174 aggravated manslaughter of a child, or aggravated manslaughter  
 175 of an officer, a firefighter, an emergency medical technician,  
 176 or a paramedic.

177 (i) Section 782.09(1), relating to killing of unborn quick  
 178 child by injury to mother.

179 (j)(f) Section 784.021, relating to aggravated assault.

180 (k)(g) Section 784.045, relating to aggravated battery.

181 (l)(h) Section 784.075, relating to battery on a detention  
 182 or commitment facility staff member or a juvenile probation

183 officer.

184 (m)~~(i)~~ Section 787.01, relating to kidnapping.

185 (n)~~(j)~~ Section 787.02, relating to false imprisonment.

186 (o)~~(k)~~ Section 787.025, relating to luring or enticing a  
187 child.

188 (p)~~(l)~~ Section 787.04(2), relating to leading, taking,  
189 enticing, or removing a minor beyond the state limits, or  
190 concealing the location of a minor, with criminal intent pending  
191 custody proceedings.

192 (q)~~(m)~~ Section 787.04(3), relating to leading, taking,  
193 enticing, or removing a minor beyond the state limits, or  
194 concealing the location of a minor, with criminal intent pending  
195 dependency proceedings or proceedings concerning alleged abuse  
196 or neglect of a minor.

197 (r) Section 787.06, relating to human trafficking.

198 (s)~~(n)~~ Section 790.115(1), relating to exhibiting firearms  
199 or weapons at a school-sponsored event, on school property, or  
200 within 1,000 feet of a school.

201 (t)~~(o)~~ Section 790.115(2)(b), relating to possessing an  
202 electric weapon or device, destructive device, or other weapon  
203 at a school-sponsored event or on school property.

204 (u) Section 790.166, relating to weapons of mass  
205 destruction.

206 (v)~~(p)~~ Section 794.011, relating to sexual battery.

207 (w)~~(q)~~ Former s. 794.041, relating to sexual activity with  
208 or solicitation of a child by a person in familial or custodial

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209 authority.

210 (x)~~(r)~~ Section 794.05, relating to unlawful sexual

211 activity with certain minors.

212 (y)~~(s)~~ Section 794.08, relating to female genital

213 mutilation.

214 (z)~~(t)~~ Chapter 796, relating to prostitution.

215 (aa)~~(u)~~ Chapter 800, relating to lewdness and indecent

216 exposure.

217 (bb)~~(v)~~ Section 806.01, relating to arson.

218 (cc)~~(w)~~ Section 810.14, relating to voyeurism.

219 (dd)~~(x)~~ Section 810.145, relating to video voyeurism.

220 (ee)~~(y)~~ Section 812.014(6), relating to coordinating the

221 commission of theft in excess of \$3,000.

222 (ff)~~(z)~~ Section 812.0145, relating to theft from persons

223 65 years of age or older.

224 (gg)~~(aa)~~ Section 812.019, relating to dealing in stolen

225 property.

226 (hh)~~(bb)~~ Section 812.13, relating to robbery.

227 (ii)~~(cc)~~ Section 812.131, relating to robbery by sudden

228 snatching.

229 (jj)~~(dd)~~ Section 812.133, relating to carjacking.

230 (kk)~~(ee)~~ Section 812.135, relating to home-invasion

231 robbery.

232 (ll)~~(ff)~~ Section 817.563, relating to fraudulent sale of

233 controlled substances.

234 (mm)~~(gg)~~ Section 825.102, relating to abuse, aggravated

235 abuse, or neglect of an elderly person or disabled adult.  
 236 (nn)~~(hh)~~ Section 825.103, relating to exploitation of an  
 237 elderly person or disabled adult.  
 238 (oo)~~(ii)~~ Section 825.1025, relating to lewd or lascivious  
 239 offenses committed upon or in the presence of an elderly person  
 240 or disabled person.  
 241 (pp)~~(jj)~~ Section 826.04, relating to incest.  
 242 (qq)~~(kk)~~ Section 827.03, relating to child abuse,  
 243 aggravated child abuse, or neglect of a child.  
 244 (rr)~~(ll)~~ Section 827.04, relating to contributing to the  
 245 delinquency or dependency of a child.  
 246 (ss)~~(mm)~~ Section 827.071, relating to sexual performance  
 247 by a child.  
 248 (tt) Section 838.015, relating to bribery.  
 249 (uu)~~(nn)~~ Section 843.01, relating to resisting arrest with  
 250 violence.  
 251 (vv)~~(oo)~~ Chapter 847, relating to obscenity.  
 252 (ww) Section 859.01, relating to poisoning food or water.  
 253 (xx)~~(pp)~~ Section 874.05, relating to causing, encouraging,  
 254 soliciting, or recruiting another to join a criminal street  
 255 gang.  
 256 (yy) Section 876.32, relating to treason.  
 257 (zz)~~(qq)~~ Chapter 893, relating to drug abuse prevention  
 258 and control, if the offense was a felony of the second degree or  
 259 greater severity.  
 260 (aaa)~~(rr)~~ Section 916.1075, relating to sexual misconduct

261 with certain forensic clients and reporting of such sexual  
 262 misconduct.

263 (bbb)~~(ss)~~ Section 944.47, relating to introduction,  
 264 removal, or possession of contraband at a correctional facility.

265 (ccc)~~(tt)~~ Section 985.701, relating to sexual misconduct  
 266 in juvenile justice programs.

267 (ddd)~~(uu)~~ Section 985.711, relating to introduction,  
 268 removal, or possession of contraband at a juvenile detention  
 269 facility or commitment program.

270 (2) Any misdemeanor offense prohibited under any of the  
 271 following statutes:

272 (a) Section 784.03, relating to battery, if the victim of  
 273 the offense was a minor.

274 (b) Section 787.025, relating to luring or enticing a  
 275 child.

276 (3) Any criminal act committed in another state or under  
 277 federal law which, if committed in this state, constitutes an  
 278 offense prohibited under any statute listed in subsection (1) or  
 279 subsection (2).

280 (4) Any delinquent act committed in this state or any  
 281 delinquent or criminal act committed in another state or under  
 282 federal law which, if committed in this state, qualifies an  
 283 individual for inclusion on the Registered Juvenile Sex Offender  
 284 List under s. 943.0435(1)(a)1.d.

285 Section 3. Subsection (3) of section 1012.32, Florida  
 286 Statutes, is amended to read:

287 1012.32 Qualifications of personnel.—  
 288 (3) (a) ~~All fingerprints submitted to~~ The Department of Law  
 289 Enforcement ~~as required by subsection (2)~~ shall retain the  
 290 fingerprints submitted for a criminal history background  
 291 screening pursuant to subsection (2) and s. 1012.465, ~~be~~  
 292 ~~retained by the Department of Law Enforcement in a manner~~  
 293 ~~provided by rule~~ enter the fingerprints and entered in the  
 294 statewide automated biometric identification system authorized  
 295 by s. 943.05(2) (b), and enroll the fingerprints in the national  
 296 retained print arrest notification program when the national  
 297 program becomes operational and the Department of Law  
 298 Enforcement begins participation in the program. The  
 299 fingerprints of individuals which were retained by the  
 300 Department of Law Enforcement before its participation in the  
 301 national program must be enrolled in the program within 2 years  
 302 after the Department of Law Enforcement begins participation.  
 303 Such fingerprints shall thereafter be available for arrest  
 304 notifications required by paragraph (b) and all purposes and  
 305 uses authorized for arrest fingerprints entered in the statewide  
 306 automated biometric identification system pursuant to s.  
 307 943.051.  
 308 (b) The Department of Law Enforcement shall search all  
 309 arrest fingerprints ~~received under s. 943.051~~ against the  
 310 fingerprints retained ~~in the statewide automated biometric~~  
 311 ~~identification system~~ under paragraph (a) and report- any arrest  
 312 record ~~that is~~ identified by the Department of Law Enforcement

313 ~~or the Federal Bureau of Investigation with the retained~~  
 314 ~~fingerprints of a person subject to the background screening~~  
 315 ~~under this section shall be reported~~ to the employing or  
 316 contracting school district or the school district with which  
 317 the person is affiliated. Each school district is required to  
 318 participate in this search process by payment of fees ~~an annual~~  
 319 ~~fee~~ to the Department of Law Enforcement and by informing the  
 320 Department of Law Enforcement of any change in the ~~affiliation,~~  
 321 ~~employment, or contractual status or place of affiliation,~~  
 322 ~~employment, or contracting~~ of its ~~instructional and~~  
 323 ~~noninstructional~~ personnel whose fingerprints are retained under  
 324 paragraph (a). The Department of Law Enforcement shall adopt a  
 325 rule that sets ~~setting the amount of~~ the annual fee ~~to be~~  
 326 ~~imposed upon~~ each school district must pay to the Department of  
 327 Law Enforcement and identifies the federal subscription fee  
 328 collected and remitted by the Department of Law Enforcement for  
 329 participation in the national retained arrest print notification  
 330 program, as applicable, for performing these searches and  
 331 establishes ~~establishing~~ the procedures for the retention of  
 332 ~~instructional and noninstructional personnel~~ fingerprints  
 333 retained under paragraph (a) and the dissemination of search  
 334 results. The fee may be borne by the district school board, the  
 335 contractor, or the person fingerprinted.

336 (c) Personnel whose fingerprints are not retained by the  
 337 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and  
 338 ~~(b)~~ must be refingerprinted and rescreened in accordance with

339 subsection (2) upon reemployment or reengagement to provide  
 340 services in order to comply with the requirements of this  
 341 subsection.

342 Section 4. Section 1012.465, Florida Statutes, is amended  
 343 to read:

344 1012.465 ~~Background screening~~ Requirements for certain  
 345 ~~noninstructional~~ school district employees, contractual  
 346 personnel, and instructional personnel and contractors.-

347 (1) The following individuals ~~Except as provided in s.~~  
 348 ~~1012.467 or s. 1012.468, noninstructional school district~~  
 349 ~~employees or contractual personnel who are permitted access on~~  
 350 ~~school grounds when students are present, who have direct~~  
 351 ~~contact with students or who have access to or control of school~~  
 352 ~~funds~~ must meet the level 2 screening requirements of this  
 353 section: as described in s. 1012.32. ~~Contractual personnel shall~~  
 354 ~~include any vendor, individual, or entity under contract with a~~  
 355 ~~school or the school board.~~

356 (a) Noninstructional school district employees who have  
 357 direct contact with students or who have access to or control of  
 358 school funds.

359 (b) Contractual personnel, including individuals under  
 360 contract with a school or the district school board who provide  
 361 instructional, rehabilitative, medical, or psychological  
 362 services, or other services relating to the education, care,  
 363 custody, or safety of students, that involve direct contact with  
 364 students.



365 (c) Contractual personnel who have access to or control of  
 366 school funds.

367 (d) Instructional personnel who are hired or contracted to  
 368 provide virtual instruction pursuant to s. 1002.45.

369 (2) An individual described in subsection (1) must be of  
 370 good moral character, must not be ineligible under s. 1012.315,  
 371 and must, when required by law, hold a certificate or license  
 372 issued under rules of the State Board of Education or the  
 373 Department of Children and Families, except when employed  
 374 pursuant to s. 1012.55 or under the emergency provisions of s.  
 375 1012.24. Previous residence in this state shall not be required  
 376 as a prerequisite for a person holding a valid Florida  
 377 certificate or license to serve in an instructional capacity.

378 (3) A fingerprint-based criminal history background  
 379 screening shall be performed on each individual described in  
 380 subsection (1) at least once every 5 years. For the initial  
 381 criminal history background screening, the individual shall  
 382 submit electronically to the Department of Law Enforcement for a  
 383 state criminal history check a complete set of fingerprints  
 384 taken by an authorized law enforcement agency, an employee  
 385 trained to take fingerprints for any school district or public  
 386 school, or a private company authorized to take fingerprints  
 387 under s. 943.053(13). The Department of Law Enforcement shall  
 388 submit the fingerprints to the Federal Bureau of Investigation  
 389 for a national criminal history check. The Department of Law  
 390 Enforcement shall report the results of each criminal history

391 check to the school district in which the individual seeks  
392 access and enter the results into the system described in s.  
393 1012.467(7).

394 (4) The Department of Law Enforcement shall retain the  
395 fingerprints submitted for a criminal history background  
396 screening, enter the fingerprints in the statewide automated  
397 biometric identification system authorized by s. 943.05(2)(b),  
398 and enroll the fingerprints in the national retained print  
399 arrest notification program in accordance with s. 1012.32(3).

400 (5) The Department of Law Enforcement shall search arrest  
401 fingerprints against the fingerprints retained under subsection  
402 (4) and report any arrest record identified by the Department of  
403 Law Enforcement or the Federal Bureau of Investigation to each  
404 school district in which the person seeks access. Participation  
405 in the search process is subject to payment of fees pursuant to  
406 s. 1012.32(3). The fees may be borne by the district school  
407 board, the contractor, or the person fingerprinted. A fee that  
408 is charged by a school district may not exceed 30 percent of the  
409 total amount charged by the Department of Law Enforcement and  
410 the Federal Bureau of Investigation.

411 (6) An individual subject to this section shall inform a  
412 school district if a criminal history background screening was  
413 completed in another school district within the past 5 years.  
414 The school district shall verify the results of the individual's  
415 criminal history background screening using the system described  
416 in s. 1012.467(7). The school district may not charge a fee for

417 verifying the results of the criminal history background  
 418 screening.

419 ~~(2) Every 5 years following employment or entry into a~~  
 420 ~~contract in a capacity described in subsection (1), each person~~  
 421 ~~who is so employed or under contract with the school district~~  
 422 ~~must meet level 2 screening requirements as described in s.~~  
 423 ~~1012.32, at which time the school district shall request the~~  
 424 ~~Department of Law Enforcement to forward the fingerprints to the~~  
 425 ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
 426 ~~for any reason following employment or entry into a contract in~~  
 427 ~~a capacity described in subsection (1), the fingerprints of a~~  
 428 ~~person who is so employed or under contract with the school~~  
 429 ~~district are not retained by the Department of Law Enforcement~~  
 430 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
 431 ~~set of fingerprints with the district school superintendent of~~  
 432 ~~the employing or contracting school district. Upon submission of~~  
 433 ~~fingerprints for this purpose, the school district shall request~~  
 434 ~~the Department of Law Enforcement to forward the fingerprints to~~  
 435 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
 436 ~~and the fingerprints shall be retained by the Department of Law~~  
 437 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
 438 ~~state and federal criminal history check required by level 2~~  
 439 ~~screening may be borne by the district school board, the~~  
 440 ~~contractor, or the person fingerprinted. Under penalty of~~  
 441 ~~perjury, each person who is employed or under contract in a~~  
 442 ~~capacity described in subsection (1) must agree to inform his or~~

443 ~~her employer or the party with whom he or she is under contract~~  
 444 ~~within 48 hours if convicted of any disqualifying offense while~~  
 445 ~~he or she is employed or under contract in that capacity.~~

446 (7)(3) If it is found that a person who is employed or  
 447 under contract in a capacity described in subsection (1) has  
 448 been arrested for a disqualifying offense specified in s.  
 449 1012.315 does not meet the level 2 requirements, the person  
 450 shall be immediately suspended from working in that capacity and  
 451 shall remain suspended until final resolution of any appeals.

452 Section 5. Paragraphs (b) through (e) of subsection (2)  
 453 and subsection (7) of section 1012.467, Florida Statutes, are  
 454 amended to read:

455 1012.467 Noninstructional contractors who are permitted  
 456 access to school grounds when students are present; background  
 457 screening requirements.—

458 (2)

459 (b) ~~As authorized by law,~~ The Department of Law  
 460 Enforcement shall retain the fingerprints submitted ~~by the~~  
 461 ~~school districts pursuant to this subsection to the Department~~  
 462 ~~of Law Enforcement~~ for a criminal history background screening  
 463 in a manner provided by rule, ~~and~~ enter the fingerprints in the  
 464 statewide automated biometric identification system authorized  
 465 by s. 943.05(2)(b), and enroll the fingerprints in the national  
 466 retained print arrest notification program in accordance with s.  
 467 1012.32(3). The fingerprints shall thereafter be available for  
 468 arrest notifications required by paragraph (c) and all purposes

469 and uses authorized for arrest fingerprints entered ~~in into~~ the  
 470 statewide automated biometric identification system pursuant to  
 471 ~~under~~ s. 943.051.

472 (c) The Department of Law Enforcement shall search arrest  
 473 fingerprints against the fingerprints retained under paragraph  
 474 (b) and report any arrest record identified by the Department of  
 475 Law Enforcement or the Federal Bureau of Investigation to each  
 476 school district in which the person seeks access. As authorized  
 477 ~~by law, the Department of Law Enforcement shall search all~~  
 478 ~~arrest fingerprints received under s. 943.051 against the~~  
 479 ~~fingerprints retained in the statewide automated biometric~~  
 480 ~~identification system under paragraph (b).~~

481 (d) School district participation in the search process is  
 482 subject to the payment of fees ~~School districts may participate~~  
 483 ~~in the search process described in this subsection by paying an~~  
 484 ~~annual fee to the Department of Law Enforcement as provided in~~  
 485 paragraph (e).

486 (e) A fingerprint retained pursuant to this subsection  
 487 shall be purged ~~from the automated biometric identification~~  
 488 ~~system~~ 5 years following the date the fingerprint was initially  
 489 submitted. The Department of Law Enforcement shall set by rule  
 490 the amount of the fees, separately identifying the federal  
 491 subscription fee collected and remitted by the Department of Law  
 492 Enforcement for participation in the national retained print  
 493 arrest notification program, as applicable, ~~annual fee to be~~  
 494 imposed upon each participating agency for performing ~~these~~

495 searches under this subsection and ~~establishing~~ the procedures  
 496 for retaining fingerprints and disseminating search results. The  
 497 fee may be borne as provided by law. ~~Fees may be waived or~~  
 498 ~~reduced by the executive director of the Department of Law~~  
 499 ~~Enforcement for good cause shown.~~

500 (7) (a) The Department of Law Enforcement shall implement a  
 501 system that allows for the results of a criminal history check  
 502 provided to a school district to be shared with other school  
 503 districts through a secure Internet website or other secure  
 504 electronic means. ~~School districts must accept reciprocity of~~  
 505 ~~level 2 screenings for Florida High School Athletic Association~~  
 506 ~~officials.~~

507 (b) An employee of a school district, a charter school, a  
 508 lab school, a charter lab school, an approved virtual  
 509 instruction provider under s. 1002.45, or the Florida School for  
 510 the Deaf and the Blind who requests or shares criminal history  
 511 information under this section is immune from civil or criminal  
 512 liability for any good faith conduct that occurs during the  
 513 performance of and within the scope of responsibilities related  
 514 to the record check.

515 Section 6. Paragraph (b) of subsection (10) of section  
 516 1012.56, Florida Statutes, is amended to read:

517 1012.56 Educator certification requirements.—

518 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 519 PERIODICALLY.—

520 (b) A person may not receive a certificate under this

521 chapter until the person's screening under s. 1012.32 is  
522 completed and the results have been submitted to the Department  
523 of Education or to the district school superintendent of the  
524 school district that employs the person. Every 5 years after  
525 obtaining initial certification, each person who is required to  
526 be certified under this chapter and whose fingerprints have not  
527 been enrolled in the national retained print arrest notification  
528 program in accordance with s. 1012.32(3) must be rescreened in  
529 accordance with s. 1012.32, at which time the school district  
530 shall request the Department of Law Enforcement to forward the  
531 fingerprints to the Federal Bureau of Investigation for federal  
532 criminal records checks. If, for any reason after obtaining  
533 initial certification, the fingerprints of a person who is  
534 required to be certified under this chapter are not retained by  
535 the Department of Law Enforcement under s. 1012.32(3)(a) and  
536 (b), the person must file a complete set of fingerprints with  
537 the district school superintendent of the employing school  
538 district. Upon submission of fingerprints for this purpose, the  
539 school district shall request the Department of Law Enforcement  
540 to forward the fingerprints to the Federal Bureau of  
541 Investigation for federal criminal records checks, and the  
542 fingerprints shall be retained by the Department of Law  
543 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
544 state and federal criminal history checks required by paragraph  
545 (a) and this paragraph may be borne by the district school board  
546 or the employee. Under penalty of perjury, each person who is

547 certified under this chapter must agree to inform his or her  
 548 employer within 48 hours if convicted of any disqualifying  
 549 offense while he or she is employed in a position for which such  
 550 certification is required.

551 Section 7. Paragraph (e) of subsection (1) of section  
 552 1012.796, Florida Statutes, is amended to read:

553 1012.796 Complaints against teachers and administrators;  
 554 procedure; penalties.-

555 (1)

556 (e) If allegations arise against an employee who is  
 557 certified under s. 1012.56 and employed in an educator-  
 558 certificated position by ~~in~~ any public school, charter school or  
 559 governing board thereof, approved virtual instruction provider  
 560 under s. 1002.45, or private school that accepts scholarship  
 561 students under s. 1002.39 or s. 1002.395, the school or provider  
 562 shall file in writing with the department a legally sufficient  
 563 complaint within 30 days after the date on which the subject  
 564 matter of the complaint came to the attention of the school or  
 565 provider. A complaint is legally sufficient if it contains  
 566 ultimate facts that show a violation has occurred as provided in  
 567 s. 1012.795 and defined by rule of the State Board of Education.  
 568 The school or provider shall include all known information  
 569 relating to the complaint with the filing of the complaint. This  
 570 paragraph does not limit or restrict the power and duty of the  
 571 department to investigate complaints, regardless of the school's  
 572 or provider's untimely filing, or failure to file, complaints



573 | and followup reports.

574 |       Section 8. Subsection (1) of section 1012.797, Florida  
575 | Statutes, is amended to read:

576 |       1012.797 Notification of ~~district school superintendent of~~  
577 | certain charges against or convictions of employees.—

578 |       (1) Notwithstanding the provisions of s. 985.04(7) or any  
579 | other provision of law to the contrary, a law enforcement agency  
580 | shall, within 48 hours, notify the appropriate district school  
581 | superintendent of the name and address of any employee of the  
582 | school district who is charged with a felony or ~~with a~~  
583 | misdemeanor specified in s. 1012.315 or any other crime  
584 | involving the abuse of a minor child or the sale or possession  
585 | of a controlled substance. The notification shall include the  
586 | specific charge for which the employee of the school district  
587 | was arrested. Such notification shall include other education  
588 | providers such as the Florida School for the Deaf and the Blind,  
589 | the Florida Virtual School, university lab schools, charter  
590 | schools, approved virtual instruction providers under s.  
591 | 1002.45, and private elementary and secondary schools.

592 |       Section 9. For the purpose of incorporating the amendment  
593 | made by this act to section 1012.315, Florida Statutes, in a  
594 | reference thereto, subsection (7) of section 1001.42, Florida  
595 | Statutes, is reenacted to read:

596 |       1001.42 Powers and duties of district school board.—The  
597 | district school board, acting as a board, shall exercise all  
598 | powers and perform all duties listed below:

599 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
 600 instructional personnel and school administrators, as defined in  
 601 s. 1012.01, from employment in any position that requires direct  
 602 contact with students if the personnel or administrators are  
 603 ineligible for such employment under s. 1012.315. An elected or  
 604 appointed school board official forfeits his or her salary for 1  
 605 year if:

606 (a) The school board official knowingly signs and  
 607 transmits to any state official a report of alleged misconduct  
 608 by instructional personnel or school administrators which  
 609 affects the health, safety, or welfare of a student and the  
 610 school board official knows the report to be false or incorrect;  
 611 or

612 (b) The school board official knowingly fails to adopt  
 613 policies that require instructional personnel and school  
 614 administrators to report alleged misconduct by other  
 615 instructional personnel and school administrators, or that  
 616 require the investigation of all reports of alleged misconduct  
 617 by instructional personnel and school administrators, if the  
 618 misconduct affects the health, safety, or welfare of a student.

619 Section 10. For the purpose of incorporating the amendment  
 620 made by this act to section 1012.315, Florida Statutes, in a  
 621 reference thereto, paragraph (g) of subsection (12) of section  
 622 1002.33, Florida Statutes, is reenacted to read:

623 1002.33 Charter schools.—

624 (12) EMPLOYEES OF CHARTER SCHOOLS.—

625 (g)1. A charter school shall employ or contract with  
626 employees who have undergone background screening as provided in  
627 s. 1012.32. Members of the governing board of the charter school  
628 shall also undergo background screening in a manner similar to  
629 that provided in s. 1012.32.

630 2. A charter school shall disqualify instructional  
631 personnel and school administrators, as defined in s. 1012.01,  
632 from employment in any position that requires direct contact  
633 with students if the personnel or administrators are ineligible  
634 for such employment under s. 1012.315.

635 3. The governing board of a charter school shall adopt  
636 policies establishing standards of ethical conduct for  
637 instructional personnel and school administrators. The policies  
638 must require all instructional personnel and school  
639 administrators, as defined in s. 1012.01, to complete training  
640 on the standards; establish the duty of instructional personnel  
641 and school administrators to report, and procedures for  
642 reporting, alleged misconduct by other instructional personnel  
643 and school administrators which affects the health, safety, or  
644 welfare of a student; and include an explanation of the  
645 liability protections provided under ss. 39.203 and 768.095. A  
646 charter school, or any of its employees, may not enter into a  
647 confidentiality agreement regarding terminated or dismissed  
648 instructional personnel or school administrators, or personnel  
649 or administrators who resign in lieu of termination, based in  
650 whole or in part on misconduct that affects the health, safety,

651 or welfare of a student, and may not provide instructional  
 652 personnel or school administrators with employment references or  
 653 discuss the personnel's or administrators' performance with  
 654 prospective employers in another educational setting, without  
 655 disclosing the personnel's or administrators' misconduct. Any  
 656 part of an agreement or contract that has the purpose or effect  
 657 of concealing misconduct by instructional personnel or school  
 658 administrators which affects the health, safety, or welfare of a  
 659 student is void, is contrary to public policy, and may not be  
 660 enforced.

661 4. Before employing instructional personnel or school  
 662 administrators in any position that requires direct contact with  
 663 students, a charter school shall conduct employment history  
 664 checks of each of the personnel's or administrators' previous  
 665 employers, screen the instructional personnel or school  
 666 administrators through use of the educator screening tools  
 667 described in s. 1001.10(5), and document the findings. If unable  
 668 to contact a previous employer, the charter school must document  
 669 efforts to contact the employer.

670 5. The sponsor of a charter school that knowingly fails to  
 671 comply with this paragraph shall terminate the charter under  
 672 subsection (8).

673 Section 11. For the purpose of incorporating the amendment  
 674 made by this act to section 1012.315, Florida Statutes, in a  
 675 reference thereto, paragraph (g) of subsection (7) of section  
 676 1002.36, Florida Statutes, is reenacted to read:

677 1002.36 Florida School for the Deaf and the Blind.—

678 (7) PERSONNEL SCREENING.—

679 (g) For purposes of protecting the health, safety, or  
 680 welfare of students, the Florida School for the Deaf and the  
 681 Blind is considered a school district and must, except as  
 682 otherwise provided in this section, comply with ss. 1001.03,  
 683 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
 684 1012.56, 1012.795, and 1012.796.

685 Section 12. For the purpose of incorporating the amendment  
 686 made by this act to section 1012.315, Florida Statutes, in a  
 687 reference thereto, paragraph (a) of subsection (4) of section  
 688 1002.421, Florida Statutes, is reenacted to read:

689 1002.421 Accountability of private schools participating  
 690 in state school choice scholarship programs.—

691 (4) A private school that accepts scholarship students  
 692 under s. 1002.39 or s. 1002.395 must:

693 (a) Disqualify instructional personnel and school  
 694 administrators, as defined in s. 1012.01, from employment in any  
 695 position that requires direct contact with students if the  
 696 personnel or administrators are ineligible for such employment  
 697 under s. 1012.315.

698  
 699 The department shall suspend the payment of funds under ss.  
 700 1002.39 and 1002.395 to a private school that knowingly fails to  
 701 comply with this subsection, and shall prohibit the school from  
 702 enrolling new scholarship students, for 1 fiscal year and until

703 the school complies.

704 Section 13. For the purpose of incorporating the amendment  
 705 made by this act to section 1012.315, Florida Statutes, in  
 706 references thereto, subsections (1) and (2) of section 1012.32,  
 707 Florida Statutes, are reenacted to read:

708 1012.32 Qualifications of personnel.-

709 (1) To be eligible for appointment in any position in any  
 710 district school system, a person must be of good moral  
 711 character; must have attained the age of 18 years, if he or she  
 712 is to be employed in an instructional capacity; must not be  
 713 ineligible for such employment under s. 1012.315; and must, when  
 714 required by law, hold a certificate or license issued under  
 715 rules of the State Board of Education or the Department of  
 716 Children and Family Services, except when employed pursuant to  
 717 s. 1012.55 or under the emergency provisions of s. 1012.24.  
 718 Previous residence in this state shall not be required in any  
 719 school of the state as a prerequisite for any person holding a  
 720 valid Florida certificate or license to serve in an  
 721 instructional capacity.

722 (2) (a) Instructional and noninstructional personnel who  
 723 are hired or contracted to fill positions that require direct  
 724 contact with students in any district school system or  
 725 university lab school must, upon employment or engagement to  
 726 provide services, undergo background screening as required under  
 727 s. 1012.465 or s. 1012.56, whichever is applicable.

728 (b) Instructional and noninstructional personnel who are

729 hired or contracted to fill positions in any charter school and  
 730 members of the governing board of any charter school, in  
 731 compliance with s. 1002.33(12)(g), must, upon employment,  
 732 engagement of services, or appointment, undergo background  
 733 screening as required under s. 1012.465 or s. 1012.56, whichever  
 734 is applicable, by filing with the district school board for the  
 735 school district in which the charter school is located a  
 736 complete set of fingerprints taken by an authorized law  
 737 enforcement agency or an employee of the school or school  
 738 district who is trained to take fingerprints.

739 (c) Instructional and noninstructional personnel who are  
 740 hired or contracted to fill positions that require direct  
 741 contact with students in an alternative school that operates  
 742 under contract with a district school system must, upon  
 743 employment or engagement to provide services, undergo background  
 744 screening as required under s. 1012.465 or s. 1012.56, whichever  
 745 is applicable, by filing with the district school board for the  
 746 school district to which the alternative school is under  
 747 contract a complete set of fingerprints taken by an authorized  
 748 law enforcement agency or an employee of the school or school  
 749 district who is trained to take fingerprints.

750 (d) Student teachers and persons participating in a field  
 751 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 752 district school system, lab school, or charter school must, upon  
 753 engagement to provide services, undergo background screening as  
 754 required under s. 1012.56.

755  
 756 Fingerprints shall be submitted to the Department of Law  
 757 Enforcement for statewide criminal and juvenile records checks  
 758 and to the Federal Bureau of Investigation for federal criminal  
 759 records checks. A person subject to this subsection who is found  
 760 ineligible for employment under s. 1012.315, or otherwise found  
 761 through background screening to have been convicted of any crime  
 762 involving moral turpitude as defined by rule of the State Board  
 763 of Education, shall not be employed, engaged to provide  
 764 services, or serve in any position that requires direct contact  
 765 with students. Probationary persons subject to this subsection  
 766 terminated because of their criminal record have the right to  
 767 appeal such decisions. The cost of the background screening may  
 768 be borne by the district school board, the charter school, the  
 769 employee, the contractor, or a person subject to this  
 770 subsection.

771 Section 14. For the purpose of incorporating the amendment  
 772 made by this act to section 1012.315, Florida Statutes, in  
 773 references thereto, paragraphs (a) and (c) of subsection (10) of  
 774 section 1012.56, Florida Statutes, are reenacted to read:

775 1012.56 Educator certification requirements.—

776 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 777 PERIODICALLY.—

778 (a) Each person who seeks certification under this chapter  
 779 must be fingerprinted and screened in accordance with s. 1012.32  
 780 and must not be ineligible for such certification under s.



781 1012.315. A person who has been screened in accordance with s.  
 782 1012.32 by a district school board or the Department of  
 783 Education within 12 months before the date the person initially  
 784 obtains certification under this chapter, the results of which  
 785 are submitted to the district school board or to the Department  
 786 of Education, is not required to repeat the screening under this  
 787 paragraph.

788 (c) If it is found under s. 1012.796 that a person who is  
 789 employed in a position requiring certification under this  
 790 chapter has not been screened in accordance with s. 1012.32, or  
 791 is ineligible for such certification under s. 1012.315, the  
 792 person's certification shall be immediately revoked or suspended  
 793 and he or she shall be immediately suspended from the position  
 794 requiring certification.

795 Section 15. For the purpose of incorporating the amendment  
 796 made by this act to section 1012.315, Florida Statutes, in a  
 797 reference thereto, paragraph (n) of subsection (1) of section  
 798 1012.795, Florida Statutes, is reenacted to read:

799 1012.795 Education Practices Commission; authority to  
 800 discipline.—

801 (1) The Education Practices Commission may suspend the  
 802 educator certificate of any person as defined in s. 1012.01(2)  
 803 or (3) for up to 5 years, thereby denying that person the right  
 804 to teach or otherwise be employed by a district school board or  
 805 public school in any capacity requiring direct contact with  
 806 students for that period of time, after which the holder may

807 return to teaching as provided in subsection (4); may revoke the  
 808 educator certificate of any person, thereby denying that person  
 809 the right to teach or otherwise be employed by a district school  
 810 board or public school in any capacity requiring direct contact  
 811 with students for up to 10 years, with reinstatement subject to  
 812 the provisions of subsection (4); may revoke permanently the  
 813 educator certificate of any person thereby denying that person  
 814 the right to teach or otherwise be employed by a district school  
 815 board or public school in any capacity requiring direct contact  
 816 with students; may suspend the educator certificate, upon an  
 817 order of the court or notice by the Department of Revenue  
 818 relating to the payment of child support; or may impose any  
 819 other penalty provided by law, if the person:

820 (n) Has been disqualified from educator certification  
 821 under s. 1012.315.

822 Section 16. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 707 Background Screening
SPONSOR(S): K-12 Subcommittee; Diaz, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 1204

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) K-12 Subcommittee, 12 Y, 0 N, As CS, Brink, Ahearn. Row 2: 2) Education Committee, Brink, Mizereck.

SUMMARY ANALYSIS

The bill reorganizes language relating to background screening for all personnel and contractors who have direct contact with students or access school campuses, eliminating reference to the term "level 2 background screening."

The bill revises requirements relating to virtual instruction programs and reduces the cost of repeated background screening for virtual instruction program instructional personnel by allowing screening results to be shared between school districts. The bill amends other requirements relating to virtual instruction program personnel.

The bill amends the list of disqualifying criminal offenses against which personnel who have direct contact with students are screened.

The bill requires the FDLE to enroll fingerprints received for background screening for school districts in the national retained arrest print notification program once the program is operational and the FDLE begins participation. The bill requires the FDLE to enroll the fingerprints of instructional and noninstructional personnel in the national retained print arrest notification program within two years after the FDLE begins participation in the program. The FDLE must notify a school district whenever an arrest record is identified with the retained fingerprints of one of the district's employees or contractors in the national retained print arrest notification program.

The bill provides that rescreening for a certified educator at the time of the educator's five-year certification renewal is necessary only if his or her fingerprints have not yet been enrolled in the national retained print arrest notification program.

The bill requires the FDLE to identify in rule the fee assed by the FBI for participation in the national retained arrest print notification program.

The bill reenacts certain sections of law for the purpose of incorporating by reference the list of disqualifying offenses amended by the bill.

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

The bill provides an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Virtual Instruction Programs

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>1</sup> The purpose of these programs is to make instruction available to students using online and distance learning technology in the nontraditional classroom.<sup>2</sup>

In order to provide its students with the opportunity to participate in a school district virtual instruction program, a school district may:

- Contract with the Florida Virtual School (FLVS) or establish a franchise of the FLVS.<sup>3</sup>
- Contract with a provider approved by the Department of Education (DOE) for full-time school district virtual instruction program.<sup>4</sup>
- Enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.<sup>5</sup>
- Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs for students enrolled in the school district.<sup>6</sup>
- Enter into an agreement with a virtual charter school authorized by the school district.<sup>7</sup>

In order for a virtual instruction program provider to be approved by the DOE, the provider must document that it, among other things, requires all instructional staff to be Florida-certified teachers and conducts background screenings for all employees or contracted personnel using state and national criminal history records.<sup>8</sup>

Currently, virtual instruction provider instructional employees are subject to the background screening requirements of certified educators.<sup>9</sup>

##### Background Screening

Individuals who work in, or provide services to, school districts, charter schools, and private schools that participate in state school choice scholarship programs must undergo a fingerprint-based background screening before being permitted access to school grounds.<sup>10</sup> The individuals who must undergo background screening fall under three personnel classifications: instructional and

---

<sup>1</sup> Section 1002.45(1)(a)2., F.S.

<sup>2</sup> Section 1002.45(1)(b), F.S. In 2008, the Florida Legislature required all school districts to provide a virtual instruction program beginning with the 2009-10 academic year. Section 4, ch. 2008-147, L.O.F.

<sup>3</sup> Section 1002.45(1)(c)1., F.S.

<sup>4</sup> Section 1002.45(1)(c)2., F.S..

<sup>5</sup> Section 1002.45(1)(c)3., F.S.

<sup>6</sup> Section 1002.45(1)(c)4., F.S.

<sup>7</sup> Section 1002.45(1)(c)5., F.S.

<sup>8</sup> Section 1002.45(2)(a)3., F.S. The virtual instruction program provider staff must undergo the same background screening as school instructional and noninstructional personnel *See supra* text accompanying note 2.

<sup>9</sup> Section 1002.45(2)(a)3., F.S.

<sup>10</sup> Sections 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

noninstructional personnel,<sup>11</sup> noninstructional school district employees and contracted personnel,<sup>12</sup> and noninstructional contractors.<sup>13</sup> Candidates for educator certification must also undergo background screening.<sup>14</sup>

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.<sup>15</sup> Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must undergo Level 2 background screening. Level 2 background screening requires individuals to be screened against a statutorily prescribed list of over 50 disqualifying offenses.<sup>16</sup> In contrast, noninstructional contractors, individuals who are not school district employees and have no direct contact with students, are screened against a statutory list of nine disqualifying offenses.<sup>17</sup>

Fingerprints taken for a background screening are submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for national criminal records checks.<sup>18</sup> The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or other person subject to the screening requirements.<sup>19</sup>

The FDLE enters and retains the fingerprints in the Automated Fingerprint Identification System (AFIS), and retains them in the Applicant Fingerprint Retention and Notification Program (AFRNP) database.<sup>20</sup> Any arrest fingerprints the FDLE receives through the Criminal Justice Information Program<sup>21</sup> must then be searched against the fingerprints retained in the AFRNP. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening must be reported to the employing or contracting school district.<sup>22</sup>

Fees<sup>23</sup> are charged for each initial background screening and each five-year renewal thereafter.<sup>24</sup> In addition, each school district must participate in the search process and pay an annual fee of \$6 for each record retained in the AFRNP database.<sup>25</sup> The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state or a state and national criminal history records

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<sup>11</sup> Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S. Employees and contracted personnel of virtual instruction programs must also undergo background screening pursuant to s. 1012.32(2), F.S. Section 1002.45(2)(a)3., F.S.

<sup>12</sup> Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

<sup>13</sup> Noninstructional contractors are vendors or contractors who are not school district employees but are permitted access to school grounds when students are present. Section 1012.467(1)(a), F.S.

<sup>14</sup> Sections 1012.32(2)(a) and 1012.56(10)(a), F.S.

<sup>15</sup> Sections 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

<sup>16</sup> See ss. 435.04, 1012.32(2), 1012.465(1), and 1012.56(10), F.S. The disqualifying offenses for level 2 background screening are listed under s. 1012.315, F.S.

<sup>17</sup> See s. 1012.467(2)(g), F.S.

<sup>18</sup> Section 1012.32(2), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 1012.32(3)(a), F.S.; s. 943.05(2), F.S.; rule 11C-6.010(1), F.A.C.

<sup>21</sup> Section 943.051, F.S.

<sup>22</sup> Section 1012.32(3)(b), F.S.

<sup>23</sup> The fee charged for the state-level background check is \$24 per name submitted. Section 943.053(3)(b), F.S. The fee for the federal background check is \$16.50. Florida Department of Law Enforcement, *Criminal History Record Checks/Background Checks Fact Sheet*, <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#13> (last visited Feb. 18, 2014). The total level 2 background check fee is \$40.50 per name submitted, not including any annual fee for fingerprint retention in the AFRNP. *Id.*

<sup>24</sup> Sections 1012.56(10)(b), 1012.465(2), and 1012.467(2)(a), F.S.

<sup>25</sup> *Id.*

check.<sup>26</sup> For noninstructional contractors, fingerprints are purged from the AFRNP database five years after the date they are initially submitted, and the annual retention fee for the five-year period must be paid in total at the time of submission.<sup>27</sup>

Before employing instructional personnel or school administrators in any position that requires direct contact with students, school districts, charter schools, and private schools participating in a state school choice scholarship program must:

- Conduct an employment history check of the individual's previous employer. If unable to contact a previous employer, efforts to contact the employer must be documented;
- Screen the individual through use of the Department of Education's (DOE) Professional Practices' Database of Disciplinary Actions Against Educators and Teacher Certification Database,<sup>28</sup> and
- Document the findings.<sup>29</sup>

Currently, fingerprints submitted by states are not retained by the FBI for purposes of national background screening.<sup>30</sup> However, a national retained print arrest notification program is in development and should be operational sometime during 2014.<sup>31</sup> The program will allow applicant fingerprints to be retained by the FBI and searched against incoming arrest fingerprints nationwide in a manner similar to the AFRNP in Florida. Participation in the program will allow the FDLE to be notified when a school district employee or contractor subject to background screening requirements is arrested in another state.<sup>32</sup> Participation in the national retained print arrest notification program is subject to a one-time \$13.00 fee per each set of retained fingerprints.

Screening results for contractors, both those who have direct contact with students and those who simply have access to school property when students are present, are entered into the Florida Shared School Results (FSSR) system,<sup>33</sup> which allows the results to be shared with other school districts through a secure internet website or other secure electronic means.<sup>34</sup> However, the screening results for instructional personnel hired or contracted through a virtual instruction provider are not included in the system. As a result, virtual instruction personnel may be required to undergo background screening by each school district using their instructional services.<sup>35</sup>

### Effect of Proposed Changes

The bill requires each virtual instruction program, in order to be included in the list of approved programs, to submit an affidavit stating that all instructional personnel have undergone background screening and hold a valid educator certificate in good standing.

<sup>26</sup> Rule 11C-6.010(6), F.A.C.

<sup>27</sup> Rule 11C-6.010(7), F.A.C.

<sup>28</sup> See s. 1001.10(5), F.S.; see also Florida Department of Education, *Employment Screening Tools*, <http://www.fldoe.org/edstandards/est.asp> (last visited Feb. 20, 2014) (includes links to the Professional Practices' Database of Disciplinary Actions Against Educators and the Teacher Certification Database). The Teacher Certification Database is also known as the Bureau of Educator Certification's Partnership Access and Services System (BEC-PASS). Florida Department of Education, *Technical Assistance Paper, Senate Bill 1712, No. K12: 2008-129*, at 4 (July 31, 2008), available at <http://www.fldoe.org/edstandards/pdfs/SB1712TAP.pdf>.

<sup>29</sup> Sections 1002.33(12)(g)4. (charter schools), 1002.421(4)(c) (private schools), and 1012.27(6), F.S.

<sup>30</sup> Florida Department of Law Enforcement, *Criminal History Record Checks/Background Checks Fact Sheet*, <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#13> (last visited Feb. 18, 2014).

<sup>31</sup> Staff of the Florida Department of Law Enforcement, *FDLE Legislative Bill Analysis for HB 707* (2014).

<sup>32</sup> *Id.*

<sup>33</sup> Florida Department of Law Enforcement, *Criminal History Record Checks/Background Checks Fact Sheet*, <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#13> (last visited Feb. 18, 2014).

<sup>34</sup> Section 1012.467(7)(a), F.S.; Telephone interview with Bureau Chief, Office of Professional Practices, Florida Department of Education (Feb. 20, 2014).

<sup>35</sup> *Id.*

In addition, the bill clarifies that the FDLE must enter background screening results for virtual instruction program instructional personnel and school district noninstructional personnel and contractors into the FSSR. As a result, virtual instruction program instructional personnel will no longer have to bear the expense of undergoing background screening for each district in which they are providing instruction.

The bill includes employees of virtual instruction providers in the list of public school, charter school, and public school employees who are immune from civil and criminal liability for any good faith conduct that occurs during the performance of and within the scope of responsibilities related to a background check. The bill requires that a virtual instruction program file a complaint with the DOE if a certified employee has engaged in conduct which would subject the certificate to discipline by the Education Practices Commission as provided by state law.<sup>36</sup> The bill also requires a law enforcement agency to provide notice to a virtual instruction program provider within 48 hours after one of its screened employees is charged with a disqualifying offense.

The bill reorganizes language relating to background screening for all personnel and contractors who have direct contact with students or who access school campuses while students are present, eliminating reference to the vague term "level 2 background screening."

The bill adds the following crimes to the list of disqualifying criminal offenses against which personnel who have direct contact with students are screened:

- Section 39.205, F.S., relating to failure to report child abuse;
- Section 775.085, F.S., relating to evidencing prejudice while committing offense, if reclassified as a felony;
- Section 782.051, F.S., relating to attempted felony murder;
- Section 782.09(1), F.S., relating to killing of unborn quick child by injury to mother;
- Section 787.06, F.S., relating to human trafficking;
- Section 790.166, F.S., relating to weapons of mass destruction;
- Section 838.015, F.S., relating to bribery;
- Section 859.01, F.S., relating to poisoning food or water; and
- Section 876.32, relating to treason.

The bill requires the FDLE to enroll in the national retained print arrest notification program the fingerprints it has already retained within two years after the FDLE begins participation in the program. Furthermore, the bill provides that rescreening is necessary for a certified educator at the time of the educator's five-year certification renewal only if his or her fingerprints have not yet been enrolled in the national retained print arrest notification program.

In addition, the bill requires the FDLE to enroll fingerprints received in performing background checks for school districts in the national retained arrest print notification program once the program is operational and the FDLE begins participation. Once participating in the national retained arrest print notification program, the FDLE must notify school districts whenever the FBI identifies an arrest record with the retained fingerprints of a school district employee or contractor.

The bill requires the FDLE to identify in rule the fee assessed by the FBI for participation in the national retained arrest print notification program. The bill also provides that the fee charged by school districts to virtual instruction program instructional personnel and noninstructional school district personnel and contractors who are in direct contact with students may not exceed 30 percent of the total fee assessed by the FDLE and FBI for background screening.

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<sup>36</sup> Section 1012.795, F.S., permits the Education Practices Commission to take disciplinary action against an educator's certificate if the educator is found to have engaged in behavior or conduct specified by statute.

The bill eliminates an obsolete provision relating to reciprocity of level 2 background screening for Florida High School Athletic Association officials. Such officials are not contracted by school districts, thus reference to reciprocity is unnecessary. The bill also makes various conforming changes.

The bill reenacts the following sections for the purpose of incorporating by reference the list of disqualifying offenses added by the bill:

- Section 1001.42(7), F.S.;
- Section 1002.33(12)(g), F.S.;
- Section 1002.36(7)(g);
- Section 1002.421(4)(a), F.S.;
- Section 1012.32(1) and (2), F.S.;
- Section 1012.56(1)(a) and (c), F.S.; and
- Section 1012.795(1)(n), F.S.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 1002.45, F.S., revising the requirement relating to background screening of instructional personnel in virtual instruction programs.

Section 2. Amends s. 1012.315, F.S., providing additional offenses that determine ineligibility for educator certification or employment in a position that requires direct contact with students.

Section 3. Amends s. 1012.32, F.S., revising requirements for the retention, search, and reporting of fingerprints of school personnel; providing for Department of Law Enforcement participation in the national retained print arrest notification program; providing for fees.

Section 4. Amends s. 1012.465, F.S., providing background screening requirements for certain school district employees, certain contractual personnel, and instructional personnel in virtual instruction programs.

Section 5. Amends s. 1012.467, F.S., requiring the fingerprints of certain noninstructional contractors to be enrolled in the national retained print arrest notification program; requiring arrest fingerprints to be searched against state and federal retained fingerprints; providing for fees to be established in rule.

Section 6. Amends s. 1012.56, F.S., revising provisions relating to background rescreening for educator certification.

Section 7. Amends s. 1012.796, F.S., including persons employed by virtual instruction providers against which complaints may be filed.

Section 8. Amends s. 1012.797, F.S., revising provisions relating to notification to education providers of charges against school district employees.

Section 9. Reenacts s. 1001.42(7), F.S., relating to district school board powers and duties, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 10. Reenacts s. 1002.33(12)(g), F.S., relating to charter schools, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 11. Reenacts s. 1002.36(7)(g), F.S., relating to the Florida School for the Deaf and the Blind, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.



Section 12. Reenacts s. 1002.421(4)(a), F.S., relating to accountability of private schools participating in state school choice scholarship programs, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 13. Reenacts s. 1012.32(1) and (2), F.S., relating to qualifications of personnel, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 14. Reenacts s. 1012.56(10)(a) and (c), relating to educator certification requirements, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 15. Reenacts s. 1012.795(1)(n), F.S., relating to Education Practices Commission authority to discipline, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 16. Provides an effective date of July 1, 2014.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may lessen the long-term cost of background screening for personnel required to undergo background screening. This is because FDLE participation in the national retained print arrest notification program requires payment of a one-time fee of \$13 for retention of each set of fingerprints, so long as the person is employed by or contracting with the school district, instead of a \$16.50 fee at each five-year rescreening.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

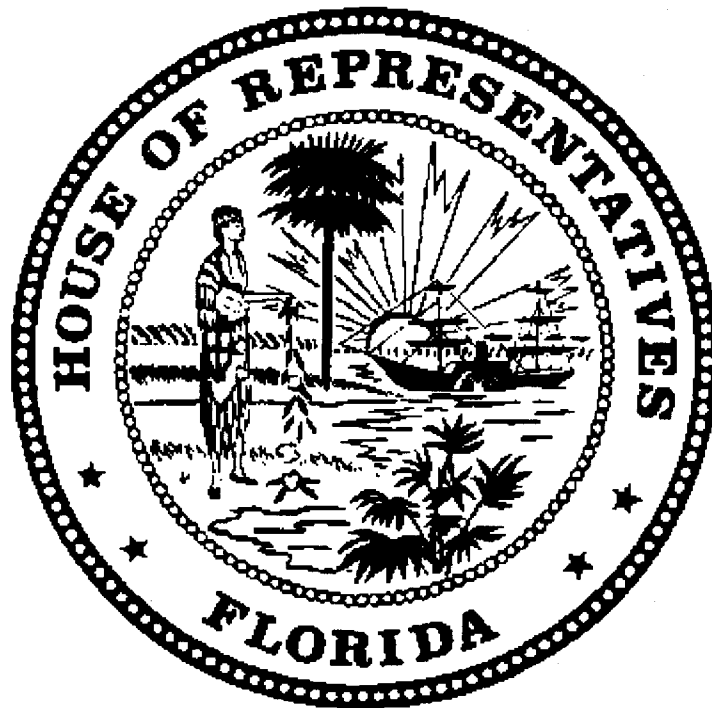
The bill adds to FDLE rulemaking authority the requirement that FDLE identify by rule the amount of the fee assessed by the FBI for participation in the national retained print arrest notification program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 5, 2014, the K-12 Subcommittee reported the PCS for HB 707 favorably. The PCS restates the requirements of the bill to clarify language relating to enrollment of fingerprints in the national retained print arrest notification program, FDLE rulemaking authority relating to criminal history background screening, and requirements for FDLE reporting of arrest records. In addition, the PCS amends certain requirements relating to virtual instruction program personnel not addressed by the bill as originally filed.



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# **Education Committee**

**Wednesday, March 12, 2014  
1:00 p.m. – 3:00 p.m.**

**AMENDMENT PACKET**

**Will Weatherford  
Speaker**

**H. Marlene O'Toole  
Chair**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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1 Committee/Subcommittee hearing PCB: Education Committee  
 2 Representative Adkins offered the following:

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

5 Between lines 903 and 904, insert:

6 (8) CHILD WITH MEDICAL COMPLEXITY.-

7 (a) A child with medical complexity means a child who is  
 8 medically fragile who needs intensive care due to, for example,  
 9 a congenital or acquired multisystem disease or who has a severe  
 10 neurologic condition with marked functional impairment.

11 (b) Effective July 1, 2014, a student may not participate  
 12 in statewide, standardized assessments, including taking the  
 13 Florida Alternate Assessment, if the IEP team, with parental  
 14 consent, determines that it is inappropriate for the child to  
 15 participate. The IEP team's determination must be based upon  
 16 compelling medical documentation from a physician licensed under  
 17 chapter 458 stating that the student is a child with a medical



Amendment No. 1

18 complexity and lacks the capacity to take or perform on an  
19 assessment. The district school superintendent must review and  
20 approve the IEP team's recommendation.

21 (c) The district school superintendent shall report  
22 annually to the district school board and the Department of  
23 Education the number of students with medical complexity that  
24 are not participating in the assessment program.

27 -----  
28 **D I R E C T O R Y A M E N D M E N T**

29 Remove line 850 and insert:

30 Statutes, is amended to read, and subsection (8) of section  
31 1008.22, Florida Statutes, is created to read:

35 -----  
36 **T I T L E A M E N D M E N T**

37 Remove line 36 and insert:

38 assessments; defining child with medical complexity; providing  
39 for nonparticipating in assessment program under certain  
40 circumstances; amending s. 1012.34, F.S.; providing



Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing PCB: Education Committee  
 2 Representative Adkins offered the following:

**Amendment**

Remove line 917 and insert:

6 provide instructional personnel the opportunity to review their  
 7 class rosters for accuracy and to correct any mistakes and  
 8 report accurate student rosters for the purpose of calculating



Amendment No.1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Spano offered the following:

4 **Amendment**

5 Remove lines 33-34 and insert:  
 6 courses or internships in which a candidate demonstrates his or  
 7 her impact on student learning growth shall have the following:  
 8



Amendment No. 2

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Spano offered the following:

3  
4 **Amendment**

5 Remove lines 44-45 and insert:  
 6 this state in which candidates demonstrate an impact on student  
 7 learning growth must have evidence of "clinical educator"  
 8





Amendment No. 3

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Spano offered the following:

**Amendment**

Remove line 56 and insert:

6 internships in another state, in which a candidate demonstrates  
 7 his or her impact on student learning growth, through a Florida  
 8 online or



Amendment No. 4

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Spano offered the following:

**Amendment**

Between lines 61 and 62, insert:

3  
 4  
 5  
 6 3. All instructional personnel who supervise or direct  
 7 teacher preparation students, during field experience courses or  
 8 internships in which a candidate demonstrates his or her impact  
 9 on student learning growth, on a United states military base in  
 10 another country through a Florida online or distance program  
 11 must have received clinical educator training or its equivalent,  
 12 hold a valid professional certificate issued by a U.S. state or  
 13 territory or the Department of Defense, and have at least 3  
 14 years teaching experience in prekindergarten through grade 12.



Amendment No. 5

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
2 Representative Spano offered the following:

3  
4 **Amendment**

5 Remove line 87 and insert:  
6 in verbal analytical writing, and quantitative reasoning

7



Amendment No.6

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Education Committee  
2 Representative Spano offered the following:

3  
4 **Amendment**

5 Remove line 96 and insert:  
6 for which a Florida subject area examination has been  
7