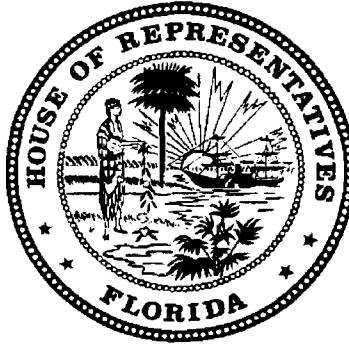


K - 12
Subcommittee
Wednesday, February 19, 2014
9:00 a.m. – 11:00 a.m.
17 HOB

Meeting Packet

Will Weatherford
Speaker

Janet H. Adkins
Chair



AGENDA

K-12 Subcommittee
Wednesday, February 19, 2014
9:00 p.m. – 11:00 a.m.
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
 - HB 23 Canned or Perishable Food Distributed Free of Charge by Rogers
- IV. Consideration of the following proposed committee substitute:
 - PCS for HB 433 Educator Certification
- V. Closing Remarks and Adjournment

1 A bill to be entitled
 2 An act relating to canned or perishable food
 3 distributed free of charge; amending s. 768.136, F.S.;
 4 limiting the liability of public schools with respect
 5 to the donation of canned or perishable food to
 6 charitable or nonprofit organizations; revising a
 7 definition; providing an effective date.

8

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

10

11 Section 1. Paragraph (a) of subsection (1) of section
 12 768.136, Florida Statutes, is amended to read:

13 768.136 Liability for canned or perishable food
 14 distributed free of charge.—

15 (1) As used in this section:

16 (a) "Donor" means a person, business, organization, or
 17 institution, including a public school, which owns, rents,
 18 leases, or operates:

19 1. Any building, vehicle, place, or structure, or any room
 20 or division in a building, vehicle, place, or structure, that is
 21 maintained and operated as a place where food is regularly
 22 prepared, served, or sold for immediate consumption on or in the
 23 vicinity of the premises; or to be called for or taken out by
 24 customers; or to be delivered to factories, construction camps,
 25 airlines, locations where catered events are being held, and
 26 other similar locations for consumption at any place;

27 2. Any public location with vending machines dispensing
 28 prepared meals; or

HB 23

2014

29 3. Any retail grocery store.


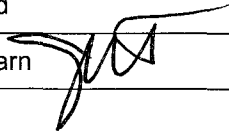
30 Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 23 Canned or Perishable Food Distributed Free of Charge

SPONSOR(S): Rogers and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N	Ward	Bond
2) K-12 Subcommittee		Brink 	Ahearn 
3) Judiciary Committee			

SUMMARY ANALYSIS

Current law protects donors who give food to a charitable organization from civil and criminal liability related to injury caused by such donated food. The term "donor" is defined in law. The bill adds a specific reference to public schools to the definition of "donor."

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

A donor who donates canned or perishable food to a charity enjoys protection from criminal and civil liability.¹ A "donor" is defined as a person,² business, organization,³ or institution which owns, rents, leases, or operates:

- Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure, that is maintained and operated as a place where food is regularly prepared, served, or sold for immediate consumption on or in the vicinity of the premises; or to be called for or taken out by customers; or to be delivered to factories, construction camps, airlines, locations where catered events are being held, and other similar locations for consumption at any place;
- Any public location with vending machines dispensing prepared meals; or
- Any retail grocery store.⁴

When food is apparently fit for human consumption and donated to a bona fide charitable or nonprofit organization, the donor is not subject to criminal penalties or civil damages arising from the condition of the food unless an injury is caused by the gross negligence, recklessness, or misconduct of the donor.⁵ ⁶ Likewise, a nonprofit or charitable organization or a representative of such organization which distributes donated food is protected from criminal and civil penalties under the same conditions.

Public schools in Florida participate in school lunch and breakfast programs subsidized by the federal government. Federal law was amended in 2011 to include: "[e]ach school and local educational agency participating in the school lunch program under this chapter may donate any food not consumed under such program to eligible local food banks or charitable organizations."⁷ While public schools are presumably included under the current statutory definition of "donor," the express phrase "public schools" does not appear in the definition's language.

Effect of Proposed Changes

The bill expressly includes the phrase "public schools" within the statutory definition of "donor" as it relates to protection from criminal and civil liability for injuries caused by donated food.

B. SECTION DIRECTORY:

Section 1. Amends s. 768.136, F.S., including phrase "public schools" within definition of the term "donor".

¹ Section 768.136, F.S.

² The term "person" is defined in statute to include "individuals, children, firms, associates, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations. Section 1.01(3), F.S. This broad definition could be construed to include public schools.

³ The term "school" is defined as an "organization of students for instruction purposes of an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education." Section 1003.01, F.S. It thus appears that a public school may also fall under the current definition of "donor" as an organization.

⁴ Section 768.136(1), F.S.

⁵ Section 768.136(2), F.S.

⁶ Public school districts, as agencies of the state, enjoy sovereign immunity protection to the extent it has not been waived pursuant to s. 768.28, F.S. See *Orlando v. Broward County*, 950 So. 2d 54, at 57 (Fla. 1st DCA 2005) ("Article X, section 13 of the Florida Constitution provides absolute sovereign immunity for the state and its agencies absent waiver by legislative enactment or constitutional amendment") (internal quotations omitted).

⁷ 42 U.S.C. §1758(1)(1).

Section 2. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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 obsolete provision and establishing a
 7 new provision relating to acceptable means of
 8 demonstrating mastery of general knowledge; revising
 9 acceptable means of demonstrating mastery of subject
 10 area knowledge and professional preparation and
 11 education competence; revising components of a
 12 competency-based professional development
 13 certification program; repealing s. 1012.56(17), F.S.,
 14 relating to a certification comparison study; amending
 15 s. 1012.585, F.S.; revising certain requirements for
 16 the renewal or reinstatement of a professional
 17 certificate; providing an effective date.

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

20
 21 Section 1. Subsection (5) of section 1004.04, Florida
 22 Statutes, is 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~~ three
36 years 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 Florida ~~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~~ three 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 is
 60 taking place, and have at least three years of teaching
 61 experience in prekindergarten through grade 12.

62 Section 2. Subsections (3), (5), and (6), and paragraph
 63 (a) of subsection (8) of section 1012.56, Florida Statutes, are
 64 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 as 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 bachelor's degree for
 96 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, as 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 as 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 as 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 ~~these~~
 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.

PCS for HB 433

ORIGINAL

2014

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 ~~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 as
 222 | provided under s. 1003.41, including content literacy and
 223 | mathematical practices, for each subject identified on the
 224 | temporary certificate.

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

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

229 | d. Methodologies for teaching students with disabilities.

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

233 | f. Techniques and strategies for operationalizing the role
 234 | of the teacher in assuring a safe learning environment for

235 students.

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

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

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

255 (c) The Commissioner of Education shall determine the
256 continued approval of programs implemented under paragraph (a)
257 based upon the department's periodic review of the following:

258 1. Evidence that the requirements in paragraph (a) are
259 consistently met; and

260 2. Evidence of performance in each of the following areas:

261 a. Rate of retention for employed program completers in
 262 instructional positions in Florida public schools.

263 b. Performance of students in prekindergarten through
 264 grade 12 who are assigned to in-field program completers on
 265 statewide assessments using the results of the student learning
 266 growth formula adopted under s. 1012.34.

267 c. Performance of students in prekindergarten through
 268 grade 12 who are assigned to in-field program completers
 269 aggregated by student subgroups, as defined in the federal
 270 Elementary and Secondary Education Act (ESEA), 20 U.S.C. s.
 271 6311(b)(2)(C)(v)(II), as a measure of how well the program
 272 prepares teachers to work with a variety of students in Florida
 273 public schools.

274 d. Results of program completers' annual evaluations in
 275 accordance with the timeline as set forth in s. 1012.34.

276 e. Production of program completers in statewide critical
 277 teacher shortage areas as defined in s. 1012.07.

278 Section 3. Subsection (17) of section 1012.56, Florida
 279 Statutes, is repealed.

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

282 1012.585 Process for renewal of professional
 283 certificates.—

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

286 (a) The applicant must earn a minimum of 6 college credits

287 or 120 inservice points or a combination thereof. For each area
288 of specialization to be retained on a certificate, the applicant
289 must earn at least 3 of the required credit hours or equivalent
290 inservice points in the specialization area. Education in
291 "clinical educator" training pursuant to s. 1004.04(5)(b) and
292 credits or points that provide training in the area of
293 scientifically researched, knowledge-based reading literacy and
294 computational skills acquisition, exceptional student education,
295 normal child development, and the disorders of development may
296 be applied toward any specialization area. Credits or points
297 that provide training in the areas of drug abuse, child abuse
298 and neglect, strategies in teaching students having limited
299 proficiency in English, or dropout prevention, or training in
300 areas identified in the educational goals and performance
301 standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be
302 applied toward any specialization area. Credits or points earned
303 through approved summer institutes may be applied toward the
304 fulfillment of these requirements. Inservice points may also be
305 earned by participation in professional growth components
306 approved by the State Board of Education and specified pursuant
307 to s. 1012.98 in the district's approved master plan for
308 inservice educational training, including, but not limited to,
309 serving as a trainer in an approved teacher training activity,
310 serving on an instructional materials committee or a state board
311 or commission that deals with educational issues, or serving on
312 an advisory council created pursuant to s. 1001.452.

PCS for HB 433

ORIGINAL

2014

313 (b) In lieu of college course credit or inservice points,
314 the applicant may renew a subject area specialization area by
315 passage of a state board approved Florida-developed subject area
316 examination or, if a Florida subject area examination has not
317 been developed, a standardized examination as specified in state
318 board rule test.

319 (c) If an applicant wishes to retain more than two
320 specialization areas on the certificate, the applicant shall be
321 permitted two successive validity periods for renewal of all
322 specialization areas, but must earn no fewer than 6 college
323 course credit hours or the equivalent in any one validity
324 period.

325 (d) The State Board of Education shall adopt rules for the
326 expanded use of training for renewal of the professional
327 certificate for educators who are required to complete training
328 in teaching students of limited English proficiency or students
329 with disabilities and training in the teaching of reading as
330 follows:

331 1. A teacher who holds a professional certificate may use
332 college credits or inservice points earned through training in
333 teaching students of limited English proficiency or students
334 with disabilities ~~completed in English for Speakers of Other~~
335 ~~Languages training~~ and training in the teaching of reading in
336 excess of 6 semester hours during one certificate-validity
337 period toward renewal of the professional certificate during the
338 subsequent validity periods.

Page 13 of 15

PCS for HB 433

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

V

339 2. A teacher who holds a temporary certificate may use
340 college credits or inservice points earned through training in
341 teaching students of limited English proficiency or students
342 with disabilities ~~completed in English for Speakers of Other~~
343 ~~Languages training~~ and training in the teaching of reading
344 toward renewal of the teacher's first professional certificate.
345 Such training must not have been included within the degree
346 program, and the teacher's temporary and professional
347 certificates must be issued for consecutive school years.

348 (e) Beginning July 1, 2014, an applicant for renewal of a
349 professional certificate must earn a minimum of one college
350 credit or the equivalent inservice points in the area of
351 instruction for teaching students with disabilities. The
352 requirement in this paragraph may not add to the total hours
353 required by the department for continuing education or inservice
354 training.

355 (5) The State Board of Education shall adopt rules to
356 allow the reinstatement of expired professional certificates.
357 The department may reinstate an expired professional certificate
358 if the certificateholder:

359 (a) Submits an application for reinstatement of the
360 expired certificate.

361 (b) Documents completion of 6 college credits during the 5
362 years immediately preceding reinstatement of the expired
363 certificate, completion of 120 inservice points, or a
364 combination thereof, in an area specified in paragraph (3)(a) to

PCS for HB 433

ORIGINAL

2014

365 include the credit required under paragraph (3)(e).

366 (c) During the 5 years immediately preceding reinstatement
367 of the certificate, achieves a passing score on the Florida-
368 developed subject area examination or, if a Florida subject area
369 examination has not been developed, a standardized examination
370 as specified in state board rule ~~test~~ for each subject to be
371 shown on the reinstated certificate.

372
373 The requirements of this subsection may not be satisfied by
374 subject area examinations ~~tests~~ or college credits completed for
375 issuance of the certificate that has expired.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 433 Educator Certification

SPONSOR(S): K-12 Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Ahearn	Ahearn

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 Proposed Committee Substitute (PCS) 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 PCS 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 PCS specifies certain requirements regarding demonstration of mastery of professional preparation and education competence.

The PCS 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 PCS 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 PCS also requires the SBE to adopt rules specifying certain requirements for reinstatement of a professional certificate.

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

The PCS 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).¹ 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.² 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.³ 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.”⁴

The DOE issues professional certificates,⁵ temporary certificates,⁶ and athletic coaching certificates.⁷ 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.⁸

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

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning¹⁰ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;¹¹

¹ Sections 1012.55(1) and 1002.33(f), F.S.

² Subpart D., Part III, ch. 1012, F.S.

³ 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.

⁴ Section 1012.54, F.S.

⁵ 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.

⁶ *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.

⁷ *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).

⁸ Section 1012.57(1), F.S.

⁹ Section 1012.56(2)(a)-(f), F.S.

- 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.¹²

Eligibility Requirements for a Temporary Certificate

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

- Meet the basic eligibility requirements for certification;¹³
- 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;¹⁴ and
- Either:
 - Demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);¹⁵ or
 - Complete the required degree or content courses specified in state board rule for subject area specialization¹⁶ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.¹⁷

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.¹⁸ 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.¹⁹ A temporary certificate is valid for 3 years and is nonrenewable.²⁰

Eligibility Requirements for a Professional Certificate

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

- Meet the basic eligibility requirements for certification;²¹

¹⁰ 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 (last visited Jan. 15, 2014)(list of accrediting agencies approved by the U.S. Department of Education).

¹¹ 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.

¹² 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.

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

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

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

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

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

¹⁸ 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).

¹⁹ *Id.*

²⁰ *Id.*

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

- Demonstrate mastery of general knowledge;²²
- Demonstrate mastery of subject area knowledge;²³ and
- Demonstrate mastery of professional preparation and education competence.²⁴

A professional certificate is valid for five years and is renewable.²⁵

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;²⁶
- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;²⁷
- Having a valid professional standard teaching certificate issued by another U.S. state or territory,²⁸ by the National Board for Professional Teaching Standards (NBPTS),²⁹ or by the American Board for Certification of Teacher Excellence (ABCTE);³⁰
- 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.³¹

Demonstration of Mastery of Subject Area Knowledge

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

- Bachelor's Degree Level (for certification in a subject area for which state board rule requires a bachelor's or higher degree):

²² Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, 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).

²³ 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).

²⁴ 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 (last visited Jan. 15, 2014); *see also infra* text accompanying notes 39-48 (acceptable means of demonstrating professional preparation and education competence).

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

²⁶ 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/ftce/pdf/ftce19edition.pdf> (competencies and skills measured by General Knowledge Test).

²⁷ 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).

²⁸ 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.

²⁹ 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).

³⁰ 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; *see also* American Board for Certification of Teacher Excellence, <http://www.abcte.org> (last visited Jan. 15, 2014).

³¹ 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.

- Achieving a passing score on the appropriate subject area test required by state board rule;³²
 - 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),³³ 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);³⁴ 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 rule³⁵ 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.³⁶
- 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.³⁷
 - 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.³⁸

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;³⁹

³² 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/fcce/Portal/FcceTests.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).

³³ 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.

³⁴ 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 (last visited Jan. 15, 2014).

³⁵ 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).

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

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

³⁸ 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).

³⁹ 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;⁴⁰
- Completing 15 semester hours in professional preparation courses specified in state board rule⁴¹ or completing the Professional Training Option for Content Majors;⁴² completing requirements for practical experience in teaching;⁴³ completing an approved professional education competence demonstration program;⁴⁴ and achieving a passing score on the Professional Education Test;⁴⁵
- Having a valid professional standard teaching certificate issued by another U.S. state or territory or by NBPTS;⁴⁶
- Having a valid professional standard teaching certificate issued by ABCTE and completing an approved professional education competence demonstration program;⁴⁷ 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.⁴⁸

Professional Certificate Renewal and Reinstatement

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

⁴⁰ 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.

⁴¹ 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.

⁴² 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.

⁴³ Florida Department of Education, *Professional Preparation and Education Competence*, 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.

⁴⁴ 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.

⁴⁵ Section 1012.56(6)(f), F.S.

⁴⁶ Section 1012.56(6)(c)-(d), F.S.; see rule 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.

⁴⁷ 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).

⁴⁸ 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.

⁴⁹ Section 1012.585(2)(a), F.S.

⁵⁰ 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.

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

⁵² 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.⁵³ 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.⁵⁴ 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.⁵⁵

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

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.⁵⁸

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.⁵⁹ 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.⁶⁰

Effect of Proposed Changes

The Proposed Committee Substitute (PCS) 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 PCS also deletes reference to the obsolete College Level Academic Skills Test (CLAST).

The PCS 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;

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).

⁵³ Section 1012.585(3)(a), F.S.

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

⁵⁵ Section 1012.585(3)(a), F.S.

⁵⁶ 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.

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

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

⁵⁹ Rule 6A-4.004(7), F.A.C.

⁶⁰ 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 PCS 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 PCS 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.

With respect to renewal of a professional certificate, the PCS 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 PCS 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.⁶¹ 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 PCS conforms terminology in various sections of law to refer to students with limited English proficiency.

The PCS 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 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.

⁶¹ 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.

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.⁶²

There is a number of teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:⁶³

- 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.⁶⁴
- 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.⁶⁵

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.⁶⁶ 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 Teacher Certification Examination required for a professional certificate in the area or areas of program concentration.⁶⁷

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

⁶² Section 1004.04(1), F.S.

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

⁶⁴ Section 1004.04(3)(b)1., F.S.

⁶⁵ Section 1004.04(3)(b)2., F.S.

⁶⁶ Section 1004.04(2)(c), F.S.

⁶⁷ Section 1004.04(2)(d), F.S.

- 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.⁶⁸

There are no requirements 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 PCS 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.

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:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁶⁸ Section 1004.04(5)(b), F.S.
 STORAGE NAME: pcs0433.KTS.DOCX
 DATE: 2/11/2014

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 PCS 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

Not applicable.

