

By Senators Thrasher, Gaetz, Detert, Wise, Constantine, Richter, Peaden, and Storms

8-01255C-10

20106__

1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.202, F.S.; authorizing the release of child abuse
4 records to certain employees and agents of the
5 Department of Education; amending s. 200.065, F.S.;
6 specifying the form of the public notice of proposed
7 property taxes for school districts instituting the
8 district accountability millage adjustment; amending
9 s. 447.403, F.S.; deleting a provision that provides
10 for an expedited impasse hearing for disputes
11 involving the Merit Award Program plan to conform to
12 changes made by the act; amending s. 1002.33, F.S.;
13 requiring a charter school to adopt a salary schedule
14 for instructional personnel and school-based
15 administrators which meets certain requirements;
16 providing that charter schools must meet certain
17 requirements for end-of-course assessments and certain
18 contracts; deleting a cross-reference to conform to
19 changes made by the act; requiring that the
20 Commissioner of Education review certain charter
21 schools for compliance with the requirements for a
22 salary schedule, assessments, and contracts; providing
23 for a fine to be assessed against a charter school
24 that is not in compliance; providing for deposit of
25 proceeds of the fine into the General Revenue Fund;
26 amending s. 1003.52, F.S.; deleting a cross-reference
27 to conform to changes made by the act; repealing s.
28 1003.62, F.S., relating to academic performance-based
29 charter school districts; amending s. 1003.621, F.S.;

8-01255C-10

20106__

30 providing additional requirements for personnel in
31 academically high-performing school districts;
32 repealing s. 1003.63, relating to the deregulated
33 public schools pilot program; amending s. 1004.04,
34 F.S.; revising the criteria for continued approval of
35 teacher preparation programs to include student
36 learning gains; deleting the waiver of admissions
37 criteria for certain students; deleting the criterion
38 relating to employer satisfaction; revising the
39 requirements for a teacher preparation program to
40 provide additional training to a graduate who fails to
41 demonstrate essential skills; deleting a provision
42 that requires state-approved teacher preparation
43 programs and public and private institutions offering
44 training for school-readiness-related professions to
45 report graduate satisfaction ratings; revising the
46 requirements for preservice field experience programs;
47 repealing s. 1004.04(11) and (12), F.S., relating to
48 the Preteacher and Teacher Education Pilot Programs
49 and the Teacher Education Pilot Programs for High-
50 Achieving Students; amending s. 1004.85, F.S.;
51 revising the requirements for individuals who
52 participate in programs at postsecondary educator
53 preparation institutes; revising the requirements for
54 approved alternative certification programs and
55 instructors; creating s. 1008.222, F.S.; requiring
56 school districts to develop and implement end-of-
57 course assessments; requiring a review of assessments
58 by the Commissioner of Education; amending s. 1009.40,

8-01255C-10

20106__

59 F.S.; deleting cross-references to conform to changes
60 made by the act; repealing s. 1009.54, F.S., relating
61 to the Critical Teacher Shortage Program; repealing s.
62 1009.57, F.S., relating to the Florida Teacher
63 Scholarship and Forgivable Loan Program; repealing s.
64 1009.58, F.S., relating to the Critical Teacher
65 Shortage Tuition Reimbursement Program; repealing s.
66 1009.59, F.S., relating to the Critical Teacher
67 Shortage Student Loan Forgiveness Program; amending s.
68 1009.94, F.S.; deleting cross-references to conform to
69 changes made by the act; creating s. 1011.626, F.S.;
70 providing legislative findings and intent; requiring
71 that each district school board submit its district-
72 adopted salary schedule, certain assessments, and
73 classroom teacher contracts to the Commissioner of
74 Education for review; requiring that the Commissioner
75 of Education determine compliance with the law;
76 requiring a review by the Auditor General of certain
77 contracts; requiring that the Commissioner of
78 Education notify school districts that fail to comply;
79 requiring that the commissioner certify a report to
80 the Governor and the Legislature by a specified date;
81 requiring that a school district levy an additional
82 millage if it fails to adopt a salary schedule,
83 provide for differentiated pay, adopt end-of-course
84 assessments, or meet contract requirements for
85 classroom teachers and school-based administrators;
86 requiring that the commissioner calculate the amount
87 of the additional millage; requiring that the

8-01255C-10

20106__

88 commissioner withhold funds from school districts in
89 an amount equal to the additional millage; providing
90 for the use of revenues generated from the additional
91 millage; requiring public notice of proposed property
92 taxes; specifying the contents of such notice;
93 requiring that the State Board of Education adopt
94 rules; amending s. 1011.69, F.S.; deleting a provision
95 that exempts academic performance-based charter school
96 districts from the Equity in School-Level Funding Act
97 to conform to changes made by the act; amending s.
98 1012.05, F.S.; revising the Department of Education's
99 responsibilities for teacher recruitment; amending s.
100 1012.07, F.S.; revising the methodology for
101 determining critical teacher shortage areas; deleting
102 cross-references to conform to changes made by the
103 act; amending s. 1012.22, F.S.; revising the powers
104 and duties of the district school board with respect
105 to school district compensation and salary schedules;
106 requiring that certain performance criteria be
107 included in the adopted schedules; revising the
108 differentiated pay provisions to require specified
109 percentages for awards; providing penalties; repealing
110 s. 1012.225, F.S., relating to the Merit Award Program
111 for Instructional Personnel and School-Based
112 Administrators; repealing s. 1012.2251, F.S., relating
113 to the end-of-course examinations for the Merit Award
114 Program; amending s. 1012.33, F.S.; revising
115 provisions relating to contracts with certain
116 educational personnel; requiring a district school

8-01255C-10

20106__

117 board's decision to retain personnel who have
118 continuing contracts or professional service contracts
119 to be primarily based on the employee's performance;
120 deleting requirements that school board decisions for
121 workforce reductions be based on collective bargaining
122 agreements; deleting requirements for district school
123 board rules for workforce reduction; creating s.
124 1012.335, F.S.; providing definitions; providing
125 employment criteria for newly hired classroom
126 teachers; providing grounds for termination; requiring
127 that the State Board of Education adopt rules defining
128 the term "just cause"; providing guidelines for such
129 term; amending s. 1012.34, F.S.; revising provisions
130 related to the appraisal of instructional personnel
131 and school-based administrators; requiring that the
132 Department of Education approve school district
133 appraisal instruments; requiring the Department of
134 Education to collect appraisal information from school
135 districts and to report information; providing
136 requirements for appraisal systems; authorizing an
137 employee to request that a district school
138 superintendent review an unsatisfactory performance
139 appraisal; conforming provisions to changes made by
140 the act; amending s. 1012.42, F.S.; prohibiting a
141 district school board from assigning a new teacher to
142 teach reading, science, or mathematics if he or she is
143 not certified in those subject areas; repealing s.
144 1012.52, F.S., relating to legislative intent for
145 teacher quality; amending s. 1012.56, F.S.; revising

8-01255C-10

20106__

146 the certification requirements for persons holding a
147 valid professional standard teaching certificate
148 issued by another state; requiring that the State
149 Board of Education review the current subject area
150 examinations and increase the scores necessary for
151 achieving certification; authorizing the State Board
152 of Education to adopt rules to allow certain college
153 credit to be used to meet certification requirements;
154 amending s. 1012.585, F.S.; providing for future
155 expiration of provisions governing certification of
156 teachers who hold national certification; revising the
157 renewal requirements for a professional certificate;
158 providing additional requirements that must be met in
159 order to renew the certificate; requiring that the
160 State Board of Education adopt rules for the renewal
161 of a certificate held by a certificateholder who has
162 not taught in the classroom; repealing s. 1012.72,
163 F.S., relating to the Dale Hickam Excellent Teaching
164 Program; amending s. 1012.79, F.S.; revising the
165 composition of the Education Practices Commission;
166 conforming provisions to changes made by the act;
167 amending s. 1012.795, F.S.; conforming provisions to
168 changes made by the act; requiring that the Department
169 of Education submit a report on the cost-effectiveness
170 of teacher preparation programs to the Governor and
171 the Legislature by a specified date; specifying the
172 report requirements; requiring that the Office of
173 Program Policy Analysis and Government Accountability
174 submit recommendations to the Legislature relating to

8-01255C-10

20106__

175 changes in the criteria for the continued approval of
176 teacher preparation programs; providing effective
177 dates.

178
179 Be It Enacted by the Legislature of the State of Florida:

180
181 Section 1. Paragraph (t) is added to subsection (2) of
182 section 39.202, Florida Statutes, to read:

183 39.202 Confidentiality of reports and records in cases of
184 child abuse or neglect.—

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

189 (t) Employees or agents of the Department of Education who
190 are responsible for the investigation or prosecution of
191 misconduct by certified educators.

192 Section 2. Paragraph (m) is added to subsection (3) of
193 section 200.065, Florida Statutes, to read:

194 200.065 Method of fixing millage.—

195 (3) The advertisement shall be no less than one-quarter
196 page in size of a standard size or a tabloid size newspaper, and
197 the headline in the advertisement shall be in a type no smaller
198 than 18 point. The advertisement shall not be placed in that
199 portion of the newspaper where legal notices and classified
200 advertisements appear. The advertisement shall be published in a
201 newspaper of general paid circulation in the county or in a
202 geographically limited insert of such newspaper. The geographic
203 boundaries in which such insert is circulated shall include the

8-01255C-10

20106__

204 geographic boundaries of the taxing authority. It is the
205 legislative intent that, whenever possible, the advertisement
206 appear in a newspaper that is published at least 5 days a week
207 unless the only newspaper in the county is published less than 5
208 days a week, or that the advertisement appear in a
209 geographically limited insert of such newspaper which insert is
210 published throughout the taxing authority's jurisdiction at
211 least twice each week. It is further the legislative intent that
212 the newspaper selected be one of general interest and readership
213 in the community and not one of limited subject matter, pursuant
214 to chapter 50.

215 (m) For school districts that have proposed a millage rate
216 pursuant to s. 1011.626 and propose to levy nonvoted millage,
217 the advertisement must be in the following form:

218
219 NOTICE OF PROPOSED TAX INCREASE

220
221 The ... (name of school district) ... will soon consider a
222 measure to increase its property tax levy. This increase is
223 necessary because the district school board violated the law and
224 failed to adopt a salary schedule that compensates classroom
225 teachers or school-based administrators on the basis of student
226 performance rather than years worked; violated the law and
227 failed to comply with the differentiated pay requirements;
228 violated the law and failed to adopt end-of-course assessments
229 to identify student instructional needs, verify what students
230 have learned, or evaluate the performance of classroom teachers
231 or school-based administrators; or violated the law and failed
232 to comply with contracting requirements for classroom teachers.

8-01255C-10

20106__

233 The district school board's share of state funds from the
 234 Florida Education Finance Program for ... (fiscal year)... will
 235 be reduced in an amount equivalent to the additional levy
 236 because the school district violated the law. The taxes are
 237 proposed to offset the loss of state funds related to the
 238 following:

239 Failure to adopt and implement a salary schedule for
 240 performance pay for classroom teachers and school-based
 241 administrators

242\$XX,XXX,XXX

243 Failure to adopt and implement a salary schedule that
 244 complies with differentiated pay requirements

245\$XX,XXX,XXX

246 Failure to adopt and implement end-of-course assessments to
 247 identify student instructional needs, verify what students have
 248 learned, or evaluate the performance of classroom teachers or
 249 school-based administrators

250\$XX,XXX,XXX

251 Failure to comply with contracting requirements for
 252 classroom teachers

253\$XX,XXX,XXX

254 All concerned citizens are invited to a public hearing on
 255 the tax increase to be held on ... (date and time)... at
 256 ... (meeting place)....

257 A DECISION on the proposed tax increase and the budget will
 258 be made at this hearing.

259 Section 3. Paragraph (c) of subsection (2) of section
 260 447.403, Florida Statutes, is amended to read:

261 447.403 Resolution of impasses.-

8-01255C-10

20106__

262 (2)

263 ~~(c) If the district school board is the public employer and~~
264 ~~an impasse is declared under subsection (1) involving a dispute~~
265 ~~of a Merit Award Program plan under s. 1012.225, the dispute is~~
266 ~~subject to an expedited impasse hearing. Notwithstanding~~
267 ~~subsections (3), (4), and (5), and the rules adopted by the~~
268 ~~commission, the following procedures shall apply:~~

269 ~~1.a. The commission shall furnish the names of seven~~
270 ~~special magistrates within 5 days after receiving notice of~~
271 ~~impasse. If the parties are unable to agree upon a special~~
272 ~~magistrate within 5 days after the date of the letter~~
273 ~~transmitting the list of choices, the commission shall~~
274 ~~immediately appoint a special magistrate. The special magistrate~~
275 ~~shall set the hearing, which shall be held no later than 15 days~~
276 ~~after the date of appointment of the special magistrate. Within~~
277 ~~5 days after the date of appointment of a special magistrate,~~
278 ~~each party shall serve upon the special magistrate and upon each~~
279 ~~other party a written list of issues at impasse.~~

280 ~~b. At the close of the hearing, the parties shall summarize~~
281 ~~their arguments and may provide a written memorandum in support~~
282 ~~of their positions.~~

283 ~~e. Within 10 days after the close of the hearing, the~~
284 ~~special magistrate shall transmit a recommended decision to the~~
285 ~~commission and the parties.~~

286 ~~d. The recommended decision of the special magistrate shall~~
287 ~~be deemed accepted by the parties, except as to those~~
288 ~~recommendations that a party specifically rejects, by filing a~~
289 ~~written notice with the commission and serving a copy on the~~
290 ~~other party within 5 days after the date of the recommended~~

8-01255C-10

20106__

291 ~~decision.~~

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

296 Section 4. Paragraph (c) is added to subsection (16) of
297 section 1002.33, Florida Statutes, paragraph (a) of subsection
298 (20) of that section is amended, present subsection (26) of that
299 section is redesignated as subsection (27), and a new subsection
300 (26) is added to that section, to read:

301 1002.33 Charter schools.—

302 (16) EXEMPTION FROM STATUTES.—

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

304 1. A charter school may not award a professional service
305 contract or similar contract to a classroom teacher hired on or
306 after July 1, 2010.

307 2. Beginning with the 2014-2015 school year and thereafter,
308 a charter school must adopt a salary schedule for classroom
309 teachers and school-based administrators which bases more than
310 50 percent of each employee's compensation on student learning
311 gains as measured by state assessments required under s.
312 1008.22; examinations in AP, IB, AICE, or a national industry
313 certification identified in the Industry Certified Funding List
314 adopted by rules of the State Board of Education; district
315 assessments for subject areas or grade levels as required under
316 s. 1008.222; or charter school assessments that meet the
317 requirements of s. 1008.222. A charter school may not use length
318 of service or degrees held by the classroom teacher or school-
319 based administrator as a factor in setting the salary schedule.

8-01255C-10

20106__

320 3. A charter school must adopt, acquire, and implement
321 state assessments or end-of-course assessments as described in
322 subparagraph 2. and meet the requirements of s. 1008.222 with
323 respect to district or charter assessments.

324 4. A charter school must maintain the security and
325 integrity of state or end-of-course assessments described in
326 subparagraph 2.

327 (20) SERVICES.—

328 (a) A sponsor shall provide certain administrative and
329 educational services to charter schools. These services shall
330 include contract management services; full-time equivalent and
331 data reporting services; exceptional student education
332 administration services; services related to eligibility and
333 reporting duties required to ensure that school lunch services
334 under the federal lunch program, consistent with the needs of
335 the charter school, are provided by the school district at the
336 request of the charter school, that any funds due to the charter
337 school under the federal lunch program be paid to the charter
338 school as soon as the charter school begins serving food under
339 the federal lunch program, and that the charter school is paid
340 at the same time and in the same manner under the federal lunch
341 program as other public schools serviced by the sponsor or the
342 school district; test administration services, including payment
343 of the costs of state-required or district-required student
344 assessments; processing of teacher certificate data services;
345 and information services, including equal access to student
346 information systems that are used by public schools in the
347 district in which the charter school is located. Student
348 performance data for each student in a charter school,

8-01255C-10

20106__

349 including, but not limited to, FCAT scores, standardized test
350 scores, previous public school student report cards, and student
351 performance measures, shall be provided by the sponsor to a
352 charter school in the same manner provided to other public
353 schools in the district. A total administrative fee for the
354 provision of such services shall be calculated based upon up to
355 5 percent of the available funds defined in paragraph (17)(b)
356 for all students. However, a sponsor may only withhold up to a
357 5-percent administrative fee for enrollment for up to and
358 including 500 students. For charter schools with a population of
359 501 or more students, the difference between the total
360 administrative fee calculation and the amount of the
361 administrative fee withheld may only be used for capital outlay
362 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
363 ~~receive 100 percent of the funds awarded to that school pursuant~~
364 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
365 additional fees or surcharges for administrative and educational
366 services in addition to the maximum 5-percent administrative fee
367 withheld pursuant to this paragraph.

368 (26) COMPLIANCE.—By September 15 of each year, each charter
369 school governing board shall certify to the Commissioner of
370 Education that its school meets the requirements in paragraph
371 (16)(c). The commissioner shall verify compliance with paragraph
372 (16)(c) by selecting a sample of charter schools each year to
373 provide information to determine compliance. On or before
374 October 1 of each year, a selected charter school must submit
375 the requested information to the commissioner. On or before
376 December 15 of each year, the commissioner shall complete a
377 review of each selected charter school for that school year,

8-01255C-10

20106__

378 determine compliance with paragraph (16) (c), and notify each
379 charter school governing board and sponsor if the charter school
380 is not in compliance with paragraph (16) (c). The commissioner
381 shall certify the charter schools that do not comply with
382 paragraph (16) (c) to the Governor, the President of the Senate,
383 and the Speaker of the House of Representative on or before
384 February 15 of each year. On or before May 1, each certified
385 charter school must pay a fine to the Department of Education in
386 an amount equal to 5 percent of the salaries of instructional
387 personnel and school-based administrators for the charter school
388 for that fiscal year as reported in the annual financial report
389 required by rule of the State Board of Education. The amount of
390 the fine may not be paid from funds appropriated by the
391 Legislature. The Department of Education shall transfer the
392 amount of the fine to the state for deposit into the General
393 Revenue Fund.

394 Section 5. Subsection (10) of section 1003.52, Florida
395 Statutes, is amended to read:

396 1003.52 Educational services in Department of Juvenile
397 Justice programs.—

398 (10) The district school board shall recruit and train
399 teachers who are interested, qualified, or experienced in
400 educating students in juvenile justice programs. Students in
401 juvenile justice programs shall be provided a wide range of
402 educational programs and opportunities including textbooks,
403 technology, instructional support, and other resources available
404 to students in public schools. Teachers assigned to educational
405 programs in juvenile justice settings in which the district
406 school board operates the educational program shall be selected

8-01255C-10

20106

407 by the district school board in consultation with the director
408 of the juvenile justice facility. Educational programs in
409 juvenile justice facilities shall have access to the substitute
410 teacher pool utilized by the district school board. Full-time
411 teachers working in juvenile justice schools, whether employed
412 by a district school board or a provider, shall be eligible for
413 ~~the critical teacher shortage tuition reimbursement program as~~
414 ~~defined by s. 1009.58 and other~~ teacher recruitment and
415 retention programs.

416 Section 6. Section 1003.62, Florida Statutes, is repealed.

417 Section 7. Paragraphs (g) and (h) of subsection (2) of
418 section 1003.621, Florida Statutes, are amended to read:

419 1003.621 Academically high-performing school districts.—It
420 is the intent of the Legislature to recognize and reward school
421 districts that demonstrate the ability to consistently maintain
422 or improve their high-performing status. The purpose of this
423 section is to provide high-performing school districts with
424 flexibility in meeting the specific requirements in statute and
425 rules of the State Board of Education.

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

431 (g) Those statutes pertaining to planning and budgeting,
432 including s. 220.065(3) (m), relating to school district
433 accountability millage adjustment, and chapter 1011, except s.
434 1011.62(9) (d), relating to the requirement for a comprehensive
435 reading plan. A district that is exempt from submitting this

8-01255C-10

20106__

436 plan shall be deemed approved to receive the research-based
437 reading instruction allocation.

438 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
439 differentiated pay and performance-pay policies for school
440 administrators and instructional personnel, and s. 1012.34,
441 relating to appraisal procedures and criteria. Professional
442 service contracts are subject to the provisions of s. ~~ss.~~
443 1012.33 and 1012.34. Contracts with classroom teachers hired on
444 or after July 1, 2010, are subject to s. 1012.335.

445 Section 8. Section 1003.63, Florida Statutes, is repealed.

446 Section 9. Paragraph (b) of subsection (4) and subsections
447 (5) and (6) of section 1004.04, Florida Statutes, are amended to
448 read:

449 1004.04 Public accountability and state approval for
450 teacher preparation programs.—

451 (4) INITIAL STATE PROGRAM APPROVAL.—

452 (b) Each teacher preparation program approved by the
453 Department of Education, as provided for by this section, shall
454 require students to meet the following as prerequisites for
455 admission into the program:

456 1. Have a grade point average of at least 2.5 on a 4.0
457 scale for the general education component of undergraduate
458 studies or have completed the requirements for a baccalaureate
459 degree with a minimum grade point average of 2.5 on a 4.0 scale
460 from any college or university accredited by a regional
461 accrediting association as defined by State Board of Education
462 rule or any college or university otherwise approved pursuant to
463 State Board of Education rule.

464 2. Demonstrate mastery of general knowledge, including the

8-01255C-10

20106__

465 ability to read, write, and compute, by passing the General
466 Knowledge Test of the Florida Teacher Certification Examination,
467 the College Level Academic Skills Test, a corresponding
468 component of the National Teachers Examination series, or a
469 similar test pursuant to rules of the State Board of Education.

470

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

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

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

490 (b) ~~(a)~~ Continued approval of specific teacher preparation
491 programs at each public and nonpublic postsecondary educational
492 institution within the state is contingent upon the passing of
493 the written examination required by s. 1012.56 by at least 90

8-01255C-10

20106__

494 percent of the graduates of the program who take the
495 examination. The Department of Education shall annually provide
496 an analysis of the performance of the graduates of such
497 institution with respect to the competencies assessed by the
498 examination required by s. 1012.56.

499 (c) ~~(b)~~ Additional criteria for continued program approval
500 for public institutions may be approved by the State Board of
501 Education. Such criteria must emphasize instruction in classroom
502 management and must provide for the evaluation of the teacher
503 candidates' performance in this area. The criteria shall also
504 require instruction in working with underachieving students.
505 Program evaluation procedures must include, but are not limited
506 to, program graduates' satisfaction with instruction and the
507 program's responsiveness to local school districts. Additional
508 criteria for continued program approval for nonpublic
509 institutions shall be developed in the same manner as for public
510 institutions; however, such criteria must be based upon
511 significant, objective, and quantifiable graduate performance
512 measures. Responsibility for collecting data on outcome measures
513 through survey instruments and other appropriate means shall be
514 shared by the postsecondary educational institutions and the
515 Department of Education. By January 1 of each year, the
516 Department of Education shall report this information for each
517 postsecondary educational institution that has state-approved
518 programs of teacher education to the Governor, the State Board
519 of Education, the Board of Governors, the Commissioner of
520 Education, the President of the Senate, the Speaker of the House
521 of Representatives, all Florida postsecondary teacher
522 preparation programs, and interested members of the public. This

8-01255C-10

20106__

523 report must analyze the data and make recommendations for
524 improving teacher preparation programs in the state.

525 (d)~~(e)~~ Continued approval for a teacher preparation program
526 is contingent upon the results of periodic reviews, on a
527 schedule established by the State Board of Education, of the
528 program conducted by the postsecondary educational institution,
529 using procedures and criteria outlined in an institutional
530 program evaluation plan approved by the Department of Education,
531 which must include the program's review of and response to the
532 effect of its candidates and graduates on K-12 student learning.
533 This plan must also incorporate and respond to the criteria
534 established in paragraphs ~~(a) and (b)~~ and (c) and include
535 provisions for involving primary stakeholders, such as program
536 graduates, district school personnel, classroom teachers,
537 principals, community agencies, and business representatives in
538 the evaluation process. Upon request by an institution, the
539 department shall provide assistance in developing, enhancing, or
540 reviewing the institutional program evaluation plan and training
541 evaluation team members.

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

548 (f)~~(e)~~ Continued approval of teacher preparation programs
549 is contingent upon compliance with the student admission
550 requirements of subsection (4) ~~and upon the receipt of at least~~
551 ~~a satisfactory rating from public schools and private schools~~

8-01255C-10

20106__

552 ~~that employ graduates of the program.~~ Each teacher preparation
553 program shall guarantee the high quality of its graduates during
554 the first 2 years immediately following graduation from the
555 program or following the graduate's initial certification,
556 whichever occurs first. Any educator in a Florida school who
557 fails to demonstrate student learning gains ~~the essential skills~~
558 as specified in paragraph (a) ~~subparagraphs 1.-5.~~ shall be
559 provided additional training by the teacher preparation program
560 at no expense to the educator or the employer. Such training
561 must consist of an individualized plan agreed upon by the school
562 district and the postsecondary educational institution that
563 includes specific learning outcomes. The postsecondary
564 educational institution assumes no responsibility for the
565 educator's employment contract with the employer. ~~Employer~~
566 ~~satisfaction shall be determined by an annually administered~~
567 ~~survey instrument approved by the Department of Education that,~~
568 ~~at a minimum, must include employer satisfaction of the~~
569 ~~graduates' ability to do the following:~~

- 570 1. ~~Write and speak in a logical and understandable style~~
571 ~~with appropriate grammar.~~
- 572 2. ~~Recognize signs of students' difficulty with the reading~~
573 ~~and computational process and apply appropriate measures to~~
574 ~~improve students' reading and computational performance.~~
- 575 3. ~~Use and integrate appropriate technology in teaching and~~
576 ~~learning processes.~~
- 577 4. ~~Demonstrate knowledge and understanding of Sunshine~~
578 ~~State Standards.~~
- 579 5. ~~Maintain an orderly and disciplined classroom conducive~~
580 ~~to student learning.~~

8-01255C-10

20106__

581 (g)~~(f)~~1. Each Florida public and private institution that
582 offers a state-approved teacher preparation program must
583 annually report information regarding these programs to the
584 state and the general public. This information shall be reported
585 in a uniform and comprehensible manner that is consistent with
586 definitions and methods approved by the Commissioner of the
587 National Center for Educational Statistics and that is approved
588 by the State Board of Education. This information must include,
589 at a minimum:

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

592 b. The average length of stay of graduates in their full-
593 time teaching positions.

594 c. The percentage of graduates whose students achieved
595 learning gains, as specified in paragraph (a). For purposes of
596 this paragraph, the information shall include the percentage of
597 the students taught per graduate who achieved learning gains.
598 ~~Satisfaction ratings required in paragraph (e).~~

599 2. Each public and private institution offering training
600 for school readiness related professions, including training in
601 the fields of child care and early childhood education, whether
602 offering career credit, associate in applied science degree
603 programs, associate in science degree programs, or associate in
604 arts degree programs, shall annually report information
605 regarding these programs to the state and the general public in
606 a uniform and comprehensible manner that conforms with
607 definitions and methods approved by the State Board of
608 Education. This information must include, at a minimum:

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

8-01255C-10

20106__

610 positions.

611 b. The percent of graduates obtaining full-time teaching
612 employment within the first year of graduation. ~~Satisfaction~~
613 ~~ratings of graduates' employers.~~

614

615 This information shall be reported through publications,
616 including college and university catalogs and promotional
617 materials sent to potential applicants, secondary school
618 guidance counselors, and prospective employers of the
619 institution's program graduates.

620 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary
621 instructors, school district personnel and instructional
622 personnel, and school sites preparing instructional personnel
623 through preservice field experience courses and internships
624 shall meet special requirements. District school boards are
625 authorized to pay student teachers during their internships.

626 (a) All instructors in postsecondary teacher preparation
627 programs who instruct or supervise preservice field experiences,
628 preservice ~~experience~~ courses, or internships shall have at
629 least one of the following: specialized training in clinical
630 supervision; a valid professional teaching certificate issued
631 under ~~pursuant to~~ ss. 1012.56 and 1012.585; or at least 3 years
632 of successful teaching experience in prekindergarten through
633 grade 12.

634 (b) All school district personnel and instructional
635 personnel who supervise or direct teacher preparation students
636 during field experience courses or internships must have
637 evidence of "clinical educator" training and must successfully
638 demonstrate effective classroom management strategies that

8-01255C-10

20106__

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

641 (c) Preservice field experience programs must provide for
642 continuous student participation in K-12 classroom settings with
643 supervised instruction of K-12 students. All preservice field
644 experience programs must provide specific guidance and
645 demonstration of effective classroom management strategies,
646 strategies for incorporating technology into classroom
647 instruction, strategies for incorporating scientifically
648 researched, knowledge-based reading literacy and computational
649 skills acquisition into classroom instruction, and ways to link
650 instructional plans to the Sunshine State Standards, as
651 appropriate. The length of structured field experiences may be
652 extended to ensure that candidates achieve the competencies
653 needed to meet certification requirements.

654 (d) Postsecondary teacher preparation programs, in
655 consultation ~~cooperation~~ with district school boards and
656 approved private school associations, shall select the school
657 sites for preservice field experience activities based on the
658 instructional skills of the instructor or supervisor with whom
659 the teaching candidate is placed, as demonstrated by the
660 instructor's or supervisor's sustained student learning gains as
661 specified in paragraph (5) (a). ~~These sites must represent the~~
662 ~~full spectrum of school communities, including, but not limited~~
663 ~~to, schools located in urban settings.~~ In order to be selected,
664 school sites must demonstrate commitment to the education of
665 public school students and to the preparation of future
666 teachers.

667 Section 10. Subsections (11) and (12) of section 1004.04,

8-01255C-10

20106__

668 Florida Statutes, are repealed.

669 Section 11. Paragraph (b) of subsection (3) and subsections
670 (4) and (5) of section 1004.85, Florida Statutes, are amended to
671 read:

672 1004.85 Postsecondary educator preparation institutes.—

673 (3) Educator preparation institutes approved pursuant to
674 this section may offer alternative certification programs
675 specifically designed for noneducation major baccalaureate
676 degree holders to enable program participants to meet the
677 educator certification requirements of s. 1012.56. Such programs
678 shall be competency-based educator certification preparation
679 programs that prepare educators through an alternative route. An
680 educator preparation institute choosing to offer an alternative
681 certification program pursuant to the provisions of this section
682 must implement a program previously approved by the Department
683 of Education for this purpose or a program developed by the
684 institute and approved by the department for this purpose.
685 Approved programs shall be available for use by other approved
686 educator preparation institutes.

687 (b) Each program participant must:

688 1. Meet certification requirements pursuant to s.
689 1012.56(1) and (2) by obtaining a statement of status of
690 eligibility prior to admission into the program which indicates
691 eligibility for a temporary certificate in a teaching subject
692 and meet the requirements of s. 1012.56(2)(a)-(f).

693 2. Participate in field experience that is appropriate to
694 his or her educational plan.

695 3. Demonstrate mastery of general knowledge by one of the
696 options provided in s. 1012.56(3) prior to completion of the

8-01255C-10

20106__

697 program.

698 ~~4.3.~~ Fully demonstrate his or her ability to teach the
699 subject area for which he or she is seeking certification
700 through field experiences and by achievement of a passing score
701 on the corresponding subject area test prior to completion of
702 the program and demonstrate mastery of professional preparation
703 and education competence by achievement of a passing score on
704 the professional education competency examination required by
705 state board rule prior to completion of the program.

706 (4) Each alternative certification program ~~institute~~
707 approved pursuant to this section shall submit to the Department
708 of Education annual performance evaluations that measure the
709 effectiveness of the programs, including the pass rates of
710 participants on all examinations required for teacher
711 certification, employment rates, longitudinal retention rates,
712 and a review of the impact that participants who have completed
713 the program have on K-12 student learning and employer
714 ~~satisfaction surveys. The employer satisfaction surveys must be~~
715 ~~designed to measure the sufficient preparation of the educator~~
716 ~~to enter the classroom.~~ These evaluations and evidence of
717 student learning gains, as measured by state assessments
718 required under s. 1008.22, shall be used by the Department of
719 Education for purposes of continued approval of an educator
720 preparation institute's alternative certification program.

721 (5) Instructors for an alternative certification program
722 approved pursuant to this section must meet the requirements of
723 s. 1004.04(6) ~~possess a master's degree in education or a~~
724 ~~master's degree in an appropriate related field and document~~
725 ~~teaching experience.~~

8-01255C-10

20106__

726 Section 12. Section 1008.222, Florida Statutes, is created
727 to read:

728 1008.222 Development and implementation of end-of-course
729 assessments of certain subject areas and grade levels.-

730 (1) Each school district must develop or acquire a valid
731 and reliable end-of-course assessment for each subject area and
732 grade level not measured by state assessments required under s.
733 1008.22 or by examinations in AP, IB, AICE, or a national
734 industry certification identified in the Industry Certified
735 Funding List pursuant to rules adopted by the State Board of
736 Education. The content, knowledge, and skills assessed by end-
737 of-course assessments for each school district must be aligned
738 to the core curricular content established in the Sunshine State
739 Standards.

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

744 (b) Each district school superintendent must ensure that
745 teachers who provide instruction in the same subject or grade
746 level administer the same end-of-course assessment, as described
747 in subsection (1). Each school district must adopt policies to
748 ensure standardized administration and security of the
749 assessments.

750 (c) Each district school superintendent is responsible for
751 implementing standardized assessment security and
752 administration, the reporting of assessment results, and using
753 assessment results to comply with provisions of ss.
754 1012.22 (1) (c) and 1012.34. The district school superintendent

8-01255C-10

20106__

755 shall certify to the Commissioner of Education that the security
756 of a standardized assessment required under this section is
757 maintained. If a district school superintendent's certification
758 is determined to be invalid through an audit by the Auditor
759 General or an investigation by the Department of Education, the
760 superintendent is subject to suspension and removal on the
761 grounds of misfeasance pursuant to s. 7, Art. IV of the State
762 Constitution.

763 (d) The Commissioner of Education shall identify methods to
764 assist and support districts in the development and acquisition
765 of assessments required under this section. Methods may include
766 the development of item banks, facilitation of the sharing of
767 developed tests among districts, and technical assistance in
768 best professional practices of test development based on state-
769 adopted curriculum standards, administration, and security.

770 Section 13. Paragraph (a) of subsection (1) of section
771 1009.40, Florida Statutes, is amended to read:

772 1009.40 General requirements for student eligibility for
773 state financial aid awards and tuition assistance grants.-

774 (1) (a) The general requirements for eligibility of students
775 for state financial aid awards and tuition assistance grants
776 consist of the following:

777 1. Achievement of the academic requirements of and
778 acceptance at a state university or community college; a nursing
779 diploma school approved by the Florida Board of Nursing; a
780 Florida college, university, or community college which is
781 accredited by an accrediting agency recognized by the State
782 Board of Education; any Florida institution the credits of which
783 are acceptable for transfer to state universities; any career

8-01255C-10

20106__

784 center; or any private career institution accredited by an
785 accrediting agency recognized by the State Board of Education.

786 2. Residency in this state for no less than 1 year
787 preceding the award of aid or a tuition assistance grant for a
788 program established pursuant to s. 1009.50, s. 1009.505, s.
789 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
790 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
791 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.
792 Residency in this state must be for purposes other than to
793 obtain an education. Resident status for purposes of receiving
794 state financial aid awards shall be determined in the same
795 manner as resident status for tuition purposes pursuant to s.
796 1009.21.

797 3. Submission of certification attesting to the accuracy,
798 completeness, and correctness of information provided to
799 demonstrate a student's eligibility to receive state financial
800 aid awards or tuition assistance grants. Falsification of such
801 information shall result in the denial of any pending
802 application and revocation of any award or grant currently held
803 to the extent that no further payments shall be made.
804 Additionally, students who knowingly make false statements in
805 order to receive state financial aid awards or tuition
806 assistance grants commit a misdemeanor of the second degree
807 subject to the provisions of s. 837.06 and shall be required to
808 return all state financial aid awards or tuition assistance
809 grants wrongfully obtained.

810 Section 14. Section 1009.54, Florida Statutes, is repealed.

811 Section 15. Section 1009.57, Florida Statutes, is repealed.

812 Section 16. Section 1009.58, Florida Statutes, is repealed.

8-01255C-10

20106__

813 Section 17. Section 1009.59, Florida Statutes, is repealed.

814 Section 18. Paragraph (c) of subsection (2) of section
815 1009.94, Florida Statutes, is amended to read:

816 1009.94 Student financial assistance database.—

817 (2) For purposes of this section, financial assistance
818 includes:

819 (c) Any financial assistance provided under s. 1009.50, s.
820 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
821 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
822 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
823 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

824 Section 19. Section 1011.626, Florida Statutes, is created
825 to read:

826 1011.626 School district accountability millage
827 adjustment.—

828 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
829 to ensure that every student has a high-quality teacher in his
830 or her classroom. The Legislature intends therefore, to provide
831 an additional levy of millage on school districts that fail to
832 comply with the laws described in this section in order to
833 increase student achievement, while withholding an amount
834 equivalent to the revenue generated by the levy of the
835 additional millage rate from the school district's state funds
836 in the Florida Education Finance Program for the fiscal year in
837 which the millage is levied.

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

839 (a) Quality classroom teachers and school-based
840 administrators are the single greatest indicators of student
841 achievement.

8-01255C-10

20106__

842 (b) A school district that fails to reward quality
843 classroom teachers or school-based administrators on the
844 performance of their students, and instead rewards these
845 individuals, in whole or in part, based on the number of years
846 worked or degrees held, has violated s. 1012.22(1)(c). A school
847 district's failure to comply with s. 1012.22(1)(c) fails to
848 maximize student learning by not providing the appropriate
849 incentives to attract and retain quality classroom teachers and
850 school-based administrators. As a result, students are penalized
851 for the acts or omissions of district school boards or district
852 school superintendents.

853 (c) A school district that fails to adopt and implement
854 assessments that comply with s. 1008.222 frustrates the purpose
855 of ensuring that each student has a high-quality teacher in his
856 or her classroom by preventing the determination of the quality
857 of a classroom teacher or school-based administrator's
858 performance.

859 (d) A school district that fails to comply with s. 1012.335
860 frustrates the purpose of ensuring that each student has a high-
861 quality teacher in his or her classroom by preventing the school
862 district from promptly removing a poor-performing classroom
863 teacher from the classroom and employment.

864 (3) REVIEW.—

865 (a) Beginning with the 2014-2015 fiscal year and
866 thereafter, each district school board must submit the district-
867 adopted salary schedule for the school year and supporting
868 documentation to the Commissioner of Education for review on or
869 before October 1 of each year. On or before December 15 of each
870 year, the commissioner shall complete a review of each salary

8-01255C-10

20106__

871 schedule submitted for that school year, determine compliance
872 with s. 1012.22(1)(c), and notify a district school board if the
873 district salary schedule fails to meet the requirements in s.
874 1012.22(1)(c). The commissioner shall certify those school
875 districts that do not comply with s. 1012.22(1)(c) to the
876 Governor, the President of the Senate, and the Speaker of the
877 House of Representatives on or before February 15 of each year.

878 (b) Beginning with the 2013-2014 fiscal year and
879 thereafter, the Commissioner of Education shall select a
880 sampling of school district assessments from multiple districts,
881 and school districts must submit for review the requested
882 assessments and supporting documentation on or before October 1
883 of each year. A school district that fails to provide the
884 requested assessment to the commissioner on or before October 1
885 of each year is in violation of s. 1008.222. On or before
886 December 15 of each year, the commissioner shall complete a
887 review of each selected assessment, determine compliance with s.
888 1008.222, and notify a district school board if the selected
889 assessment fails to meet the requirements in s. 1008.222. The
890 commissioner shall certify those school districts that do not
891 comply with s. 1008.222 to the Governor, the President of the
892 Senate, and the Speaker of the House of Representatives on or
893 before February 15 of each year.

894 (c) In its financial audit of each school district, the
895 Auditor General shall review a sample of classroom teacher
896 contracts and determine compliance with s. 1012.335. The Auditor
897 General shall document violations of s. 1012.335 and provide the
898 documentation to the Commissioner of Education on or before
899 October 1 of each year following the audit. On or before

8-01255C-10

20106__

900 December 15 of each year, the commissioner shall notify the
901 Governor, the President of the Senate, the Speaker of the House
902 of Representatives, and each school district identified in the
903 audit that has not complied with s. 1012.335.

904 (4) FAILURE REQUIRING ADDITIONAL MILLAGE.—A district school
905 board that is certified by the Commissioner of Education as not
906 in compliance with the law as described in subsection (3) must
907 levy an additional millage in order to generate revenue in an
908 amount equal to 5 percent of the salaries for instructional
909 personnel and school-based administrators for that fiscal year,
910 as reported in the annual financial report required by rule of
911 the State Board of Education. A local resolution, ordinance, or
912 referendum is not required to implement this levy.

913 (5) CALCULATION OF MILLAGE RATE.—

914 (a) On or before March 1 of each year, the Commissioner of
915 Education shall, for each district school board that the
916 commissioner certifies is not in compliance with the law as
917 described in subsection (3), calculate and certify to the
918 district school board the dollar amount that is equal to 5
919 percent of the salary of the district's instructional personnel
920 and school-based administrators for the year of noncompliance,
921 as described in subsection (4).

922 (b) The commissioner shall certify to each district school
923 board the additional local effort that the board must levy in
924 order to generate the amount of revenue certified pursuant to
925 paragraph (a). The additional local effort shall be certified at
926 the same time as the required local effort is certified and the
927 additional required local effort shall be levied at the same
928 time as the required local effort is levied. The additional

8-01255C-10

20106__

929 local effort is exempt from the 90 percent calculation of the
930 total Florida Education Finance Program entitlement under s.
931 1011.62(4)(a)1.b. The commissioner shall report the calculated
932 amount that is equal to 5 percent of the salaries of classroom
933 teachers and school-based administrators for each fiscal year to
934 the Governor, the President of the Senate, and the Speaker of
935 the House of Representatives on or before March 1 of each year.

936 (6) WITHHOLDING OF STATE FUNDS.—For each school district
937 that is certified as being in violation of law, as described in
938 subsection (3), and that is required to levy an additional local
939 effort, as described in subsection (4), the Commissioner of
940 Education shall withhold an amount equivalent to the revenue
941 generated by the levy of the additional local effort from the
942 school district's state funds in the Florida Education Finance
943 Program for the fiscal year in which the millage is levied.

944 (7) USE OF ADDITIONAL MILLAGE.—The revenue generated by the
945 levy of the additional millage under this section may be used
946 only to compensate for the loss of state funding caused by the
947 failure of the school district to comply with the law as
948 described in subsection (3).

949 (8) PUBLIC NOTICE.—

950 (a) The public notice of proposed property taxes required
951 in s. 200.065(3)(m) must include a statement that the district
952 school board violated the law and failed to adopt a salary
953 schedule that compensates classroom teachers or school-based
954 administrators on the basis of student performance rather than
955 years worked; violated the law and failed to comply with the
956 differentiated pay requirements; violated the law and failed to
957 adopt end-of-course assessments to identify student

8-01255C-10

20106__

958 instructional needs, verify what students have learned, or
959 evaluate the performance of classroom teachers or school-based
960 administrators; or violated the law and failed to comply with
961 contracting requirements for classroom teachers, and that the
962 penalty for noncompliance is to require the district school
963 board to levy an additional property tax millage in order to
964 generate revenues equal to the penalty. The notice must also
965 state that the school district's share of state funds from the
966 Florida Education Finance Program will be reduced in an amount
967 equivalent to the additional levy.

968 (b) The district school board must include in the notice of
969 public hearing to adopt its annual budget that it violated the
970 law and failed to adopt a salary schedule that compensates
971 classroom teachers or school-based administrators on the basis
972 of student performance rather than years worked; violated the
973 law and failed to comply with the differentiated pay
974 requirements; violated the law and failed to adopt end-of-course
975 assessments to identify student instructional needs, verify what
976 students have learned, or evaluate the performance of classroom
977 teachers or school-based administrators; or violated the law and
978 failed to comply with contracting requirements for classroom
979 teachers, and that the district school board is required to levy
980 an additional rate to compensate for its failure. The district
981 school board must also provide notice at its public hearing that
982 the school district's share of state funds from the Florida
983 Education Finance Program will be reduced in an amount
984 equivalent to the additional levy.

985 (9) RULEMAKING.—The State Board of Education shall adopt
986 rules pursuant to ss. 120.536(1) and 120.54 to administer this

8-01255C-10

20106__

987 section, including rules related to the reporting formats,
988 supporting documentation, and procedures for the review as
989 described in subsection (3).

990 Section 20. Subsection (2) of section 1011.69, Florida
991 Statutes, is amended to read:

992 1011.69 Equity in School-Level Funding Act.—

993 (2) Beginning in the 2003-2004 fiscal year, district school
994 boards shall allocate to schools within the district an average
995 of 90 percent of the funds generated by all schools and
996 guarantee that each school receives at least 80 percent of the
997 funds generated by that school based upon the Florida Education
998 Finance Program as provided in s. 1011.62 and the General
999 Appropriations Act, including gross state and local funds,
1000 discretionary lottery funds, and funds from the school
1001 district's current operating discretionary millage levy. Total
1002 funding for each school shall be recalculated during the year to
1003 reflect the revised calculations under the Florida Education
1004 Finance Program by the state and the actual weighted full-time
1005 equivalent students reported by the school during the full-time
1006 equivalent student survey periods designated by the Commissioner
1007 of Education. If the district school board is providing programs
1008 or services to students funded by federal funds, any eligible
1009 students enrolled in the schools in the district shall be
1010 provided federal funds. ~~Only academic performance-based charter~~
1011 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
1012 ~~provisions of this section.~~

1013 Section 21. Subsection (4) of section 1012.05, Florida
1014 Statutes, is amended to read:

1015 1012.05 Teacher recruitment and retention.—

8-01255C-10

20106__

1016 (4) The Department of Education, in cooperation with
1017 district personnel offices, may ~~shall~~ sponsor virtual job fairs
1018 ~~a job fair in a central part of the state~~ to match high-quality,
1019 ~~in-state educators and potential educators~~ and out-of-state
1020 educators and potential educators with teaching opportunities in
1021 this state. The Department of Education is authorized to collect
1022 a job fair registration fee not to exceed ~~\$20 per person and a~~
1023 ~~booth fee not to exceed~~ \$250 per school district or other
1024 interested participating organization. The revenue from the fees
1025 shall be used to promote and operate the job fair. Funds may be
1026 used to purchase promotional items ~~such as mementos, awards, and~~
1027 ~~plaques.~~

1028 Section 22. Section 1012.07, Florida Statutes, is amended
1029 to read:

1030 1012.07 Identification of critical teacher shortage areas.-
1031 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59,~~ The term
1032 "critical teacher shortage area" means high-need content areas
1033 ~~applies to mathematics, science, career education, and high-~~
1034 priority high priority location areas identified by. the State
1035 Board of Education ~~may identify career education programs having~~
1036 ~~critical teacher shortages.~~ The State Board of Education shall
1037 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
1038 annually identify ~~other~~ critical teacher shortage areas ~~and high~~
1039 ~~priority location areas.~~ The state board must ~~shall~~ also
1040 consider current and emerging educational requirements and
1041 workforce demands ~~teacher characteristics such as ethnic~~
1042 ~~background, race, and sex~~ in determining critical teacher
1043 shortage areas. School grade levels may also be designated
1044 critical teacher shortage areas. Individual district school

8-01255C-10

20106__

boards may identify and submit other critical teacher shortage areas. Such submissions ~~shortages~~ must be aligned to current and emerging educational requirements and workforce demands in order to be certified to and approved by the State Board of Education. High-priority ~~High priority~~ location areas shall be in high-density, low-economic urban schools, and low-density, low-economic rural schools, and schools identified as lowest performing under s. 1008.33(4)(b) ~~shall include schools which meet criteria which include, but are not limited to, the percentage of free lunches, the percentage of students under Chapter I of the Education Consolidation and Improvement Act of 1981, and the faculty attrition rate.~~

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

Section 23. Effective July 1, 2014, paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

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

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

(c) *Compensation and salary schedules.*—

1. Except as provided in subparagraphs 2., 4., and 5., the district school board shall adopt a salary schedule that compensates employees based on their performance. ~~The district school board shall adopt a salary schedule or salary schedules~~

8-01255C-10

20106__

1074 ~~designed to furnish incentives for improvement in training and~~
1075 ~~for continued efficient service to be used as a basis for paying~~
1076 ~~all school employees and fix and authorize the compensation of~~
1077 ~~school employees on the basis thereof.~~

1078 2. A district school board, in determining the salary
1079 schedule for instructional personnel and school-based
1080 administrators, must base more than 50 percent ~~a portion~~ of each
1081 employee's compensation on student learning gains, as
1082 established by rule of the State Board of Education and as
1083 described in s. 1012.34(3)(a)1. for instructional personnel and
1084 s. 1012.34(3)(a)3. for school-based administrators. The
1085 remainder of each employee's compensation shall be based on
1086 performance demonstrated under s. 1012.34(3)(a)2. for
1087 instructional personnel and s. 1012.34(3)(a)4. for school-based
1088 administrators ~~s. 1012.34, must consider the prior teaching~~
1089 ~~experience of a person who has been designated state teacher of~~
1090 ~~the year by any state in the United States, and must consider~~
1091 ~~prior professional experience in the field of education gained~~
1092 ~~in positions in addition to district level instructional and~~
1093 ~~administrative positions.~~

1094 3. In developing the salary schedule, the district school
1095 board shall seek input from parents, teachers, and
1096 representatives of the business community.

1097 4. ~~Beginning with the 2007-2008 academic year, Each~~
1098 district school board shall adopt a salary schedule with
1099 differentiated pay for both instructional personnel and school-
1100 based administrators. The salary schedule ~~is subject to~~
1101 ~~negotiation as provided in chapter 447 and must allow~~
1102 differentiated pay based on the following:

8-01255C-10

20106__

1103 a. Assignment to a school in a high-priority location area,
1104 as defined in State Board of Education rule, with continued
1105 differentiated pay contingent upon documentation of student
1106 learning gains as described in subparagraph 2.;

1107 b. Certification and teaching in critical teacher shortage
1108 areas, as defined in State Board of Education rule, with
1109 continued differentiated pay contingent upon documentation of
1110 student learning gains as described in subparagraph 2.; and

1111 c. Assignment of additional academic responsibilities, with
1112 continued differentiated pay contingent upon documentation of
1113 student learning gains as described in subparagraph 2.

1114 5. A district school board shall adopt a salary schedule
1115 for the following:

1116 a. A beginning teacher. For purposes of this subparagraph,
1117 a beginning teacher is a classroom teacher as defined in s.
1118 1012.01(2)(a) who has no prior K-12 teaching experience.

1119 b. A teacher who holds a valid professional standard
1120 certificate issued by another state and who is hired by the
1121 district school board.

1122 c. A teacher who holds a valid professional certificate
1123 issued pursuant to s. 1012.56, who has not taught in the
1124 classroom at any time during the previous certification period,
1125 and who is hired by the district school board.

1126
1127 The salary schedule in subparagraph 5. shall be in effect for
1128 the first year that the teacher provides instruction in a
1129 Florida K-12 classroom. Thereafter, the teacher is subject to
1130 the salary schedule adopted pursuant to subparagraph 2. A
1131 district school board may not use length of service or degrees

8-01255C-10

20106__

1132 held as a factor in setting a salary schedule. ~~district-~~
1133 ~~determined factors, including, but not limited to, additional~~
1134 ~~responsibilities, school demographics, critical shortage areas,~~
1135 ~~and level of job performance difficulties.~~

1136 Section 24. Section 1012.225, Florida Statutes, is
1137 repealed.

1138 Section 25. Section 1012.2251, Florida Statutes, is
1139 repealed.

1140 Section 26. Subsection (5) of section 1012.33, Florida
1141 Statutes, is amended to read:

1142 1012.33 Contracts with instructional staff, supervisors,
1143 and school principals.-

1144 (5) Should a district school board have to choose from
1145 among its personnel who are on continuing contracts or
1146 professional service contracts as to which should be retained,
1147 such decisions shall be based primarily upon the employee's
1148 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
1149 ~~of a collectively bargained agreement, when one exists. If no~~
1150 ~~such agreement exists, the district school board shall prescribe~~
1151 ~~rules to handle reductions in workforce.~~

1152 Section 27. Section 1012.335, Florida Statutes, is created
1153 to read:

1154 1012.335 Contracts with classroom teachers hired on or
1155 after July 1, 2010.-

1156 (1) DEFINITIONS.-As used in this section, the term:

1157 (a) "Annual contract" means a contract for a period of no
1158 longer than 1 school year in which the district school board may
1159 choose to renew or not renew without cause.

1160 (b) "Classroom teacher" means a classroom teacher as

8-01255C-10

20106__

1161 defined in s. 1012.01(2)(a), excluding substitute teachers.

1162 (c) "Probationary contract" means a contract for a period
1163 of no longer than 1 school year during which a classroom teacher
1164 may be dismissed without cause or may resign from the
1165 contractual position without breach of contract.

1166 (2) EMPLOYMENT.—

1167 (a) Beginning July 1, 2010, each person newly hired as a
1168 classroom teacher by a school district shall receive a
1169 probationary contract.

1170 (b) Classroom teachers may receive up to five annual
1171 contracts in a school district in this state. However, in order
1172 to obtain an annual contract for the 6th year of teaching and
1173 thereafter, a classroom teacher must:

1174 1. Hold a professional certificate as prescribed by s.
1175 1012.56 and in the rules of the State Board of Education; and

1176 2. Have been recommended by the district school
1177 superintendent for the contract and approved by the district
1178 school board and have received an effective or highly effective
1179 designation on his or her appraisal pursuant to s. 1012.34.

1180 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
1181 CONTRACT.—A classroom teacher who has an annual contract may be
1182 suspended or dismissed at any time during the term of the
1183 contract for just cause as provided in subsection (4). The
1184 district school board must notify a classroom teacher in writing
1185 whenever charges are made against the classroom teacher, and the
1186 district school board may suspend him or her without pay.
1187 However, if the charges are not sustained, the classroom teacher
1188 shall be immediately reinstated and his or her back pay shall be
1189 paid.

8-01255C-10

20106__

1190 (4) JUST CAUSE.—The State Board of Education shall adopt
1191 rules to define the term “just cause.” Just cause includes, but
1192 is not limited to:

1193 (a) Immorality.

1194 (b) Misconduct in office.

1195 (c) Incompetency.

1196 (d) Gross insubordination.

1197 (e) Willful neglect of duty.

1198 (f) Being convicted or found guilty of, or entering a plea
1199 of guilty to, regardless of adjudication of guilt, any crime
1200 involving moral turpitude.

1201 (g) Poor performance as demonstrated by a lack of student
1202 learning gains, as specified in s. 1012.34.

1203 Section 28. Section 1012.34, Florida Statutes, is amended
1204 to read:

1205 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1206 (1) For the purpose of increasing student achievement by
1207 improving the quality of instructional, administrative, and
1208 supervisory services in the public schools of the state, the
1209 district school superintendent shall establish procedures for
1210 evaluating ~~assessing~~ the performance of duties and
1211 responsibilities of all instructional, administrative, and
1212 supervisory personnel employed by the school district. The
1213 Department of Education must approve each district’s
1214 instructional personnel ~~appraisal assessment~~ system and
1215 appraisal instruments. The Department of Education must approve
1216 each school-based administrator appraisal system and appraisal
1217 instruments. The department shall collect from each school
1218 district the annual performance ratings of all instructional and

8-01255C-10

20106__

1219 school-based administrative personnel and report the percentage
1220 of each of these employees receiving each rating category by
1221 school and by district.

1222 (2) The following conditions must be considered in the
1223 design of the district's instructional personnel appraisal
1224 ~~assessment~~ system:

1225 (a) The system must be designed to support high-quality
1226 instruction and increased academic achievement ~~district and~~
1227 ~~school level improvement plans.~~

1228 (b) The system must provide appropriate appraisal
1229 instruments, procedures, and criteria for continuous quality
1230 improvement of the professional skills of instructional
1231 personnel.

1232 (c) The system must include a mechanism to examine
1233 performance data from multiple sources, which includes giving
1234 ~~give~~ parents an opportunity to provide input into employee
1235 performance appraisals ~~assessments when appropriate.~~

1236 (d) In addition to addressing generic teaching
1237 competencies, districts must determine those teaching fields for
1238 which special procedures and criteria will be developed.

1239 (e) Each district school board may establish a peer
1240 assistance process. The plan may provide a mechanism for
1241 assistance of persons who are placed on performance probation as
1242 well as offer assistance to other employees who request it.

1243 (f) Each ~~The~~ district school board shall provide training
1244 programs that are based upon guidelines provided by the
1245 Department of Education to ensure that all individuals with
1246 evaluation responsibilities understand the proper use of the
1247 appraisal ~~assessment~~ criteria and procedures.

8-01255C-10

20106

1248 (g) The system must differentiate among four levels of
1249 performance: unsatisfactory, needs improvement, effective, and
1250 highly effective. The Commissioner of Education shall consult
1251 with performance pay experts and classroom teachers in
1252 developing the performance levels. Beginning with the 2014-2015
1253 school year and thereafter, instructional personnel and school-
1254 based administrators may not be rated as effective or highly
1255 effective if their students fail to demonstrate learning gains.

1256 (h) The system must include a process for monitoring the
1257 effective and consistent use of appraisal criteria by
1258 supervisors and administrators and a process for evaluating the
1259 effectiveness of the system itself in improving the level of
1260 instruction and learning in the district's schools.

1261 (3) The appraisal ~~assessment~~ procedure for instructional
1262 personnel and school administrators must be primarily based on
1263 the performance of students assigned to their classrooms or
1264 schools, as appropriate. Pursuant to this section, a school
1265 district's performance appraisal ~~assessment~~ is not limited to
1266 basing unsatisfactory performance of instructional personnel and
1267 school administrators upon student performance, but may include
1268 other criteria approved to evaluate ~~assess~~ instructional
1269 personnel and school administrators' performance, or any
1270 combination of student performance and other approved criteria.
1271 The procedures must comply with, but are not limited to, the
1272 following requirements:

1273 (a) An appraisal ~~assessment~~ must be conducted for each
1274 employee at least once a year, except that an appraisal for each
1275 teacher, as described in s. 1012.22(1)(c)5., must be conducted
1276 at least twice a year. The assessment must be based upon sound

8-01255C-10

20106__

1277 ~~educational principles and contemporary research in effective~~
1278 ~~educational practices. The assessment must primarily use data~~
1279 ~~and indicators of improvement in student performance assessed~~
1280 ~~annually as specified in s. 1008.22 and may consider results of~~
1281 ~~peer reviews in evaluating the employee's performance. Student~~
1282 ~~performance must be measured by state assessments required under~~
1283 ~~s. 1008.22 and by local assessments for subjects and grade~~
1284 ~~levels not measured by the state assessment program. The~~
1285 appraisal assessment ~~assessment~~ criteria must include, but are not limited
1286 to, indicators that relate to the following:

1287 1. Performance of students. For the classroom teacher, the
1288 learning gains of students assigned to the teacher must comprise
1289 more than 50 percent of the determination of the classroom
1290 teacher's performance. For instructional personnel, who are not
1291 classroom teachers, the learning gains of students assigned to
1292 the school must comprise more than 50 percent of the
1293 determination of the individual's performance. Student learning
1294 gains are measured by state assessments required under s.
1295 1008.22, examinations in AP, IB, AICE, or a national industry
1296 certification identified in the Industry Certified Funding List
1297 pursuant to rules adopted by the State Board of Education, or
1298 district assessments for subject areas and grade levels as
1299 required under s. 1008.222.

1300 2. Instructional practice. For instructional personnel,
1301 performance criteria must be based on the Florida Educator
1302 Accomplished Practices adopted by the State Board of Education
1303 by rule, which include:

1304 a. Ability to maintain appropriate discipline.

1305 ~~b.3.~~ Knowledge of subject matter. ~~The district school board~~

8-01255C-10

20106__

1306 ~~shall make special provisions for evaluating teachers who are~~
1307 ~~assigned to teach out-of-field.~~

1308 c.4. Ability to plan and deliver effective instruction and
1309 the effective use of technology in the classroom.

1310 d.5. Ability to use assessment data and other evidence of
1311 student learning to design and implement differentiated
1312 instructional strategies in order to meet individual student
1313 needs for remediation or acceleration ~~evaluate instructional~~
1314 ~~needs.~~

1315 e.6. Ability to establish and maintain a positive
1316 collaborative relationship with students' families to increase
1317 student achievement.

1318 f.7. Other professional competencies, responsibilities, and
1319 requirements as established by rules of the State Board of
1320 Education and policies of the district school board.

1321 3. Instructional leadership performance. For a school-based
1322 administrator, the learning gains of students assigned to the
1323 school must comprise more than 50 percent of the determination
1324 of the school-based administrator's performance. Student
1325 learning gains are measured by state assessments required under
1326 s. 1008.22, examinations in AP, IB, AICE, or a national industry
1327 certification identified in the Industry Certified Funding List
1328 pursuant to rules adopted by the State Board of Education, or
1329 district assessments for subject areas and grade levels as
1330 required under s. 1008.222.

1331 4. Instructional leadership practice. For a school-based
1332 administrator, performance criteria must be based on the Florida
1333 Principal Leadership Standards adopted by the State Board of
1334 Education under s. 1012.986, which includes the ability to:

8-01255C-10

20106__

1335 a. Manage human, financial, and material resources so as to
1336 maximize the share of resources used for direct instruction, as
1337 opposed to overhead or other purposes; and

1338 b. Recruit and retain high-performing teachers.

1339 (b) All personnel must be fully informed of the criteria
1340 and procedures associated with the appraisal ~~assessment~~ process
1341 before the appraisal ~~assessment~~ takes place.

1342 (c) The individual responsible for supervising the employee
1343 must evaluate ~~assess~~ the employee's performance. The evaluator
1344 must submit a written report of the appraisal ~~assessment~~ to the
1345 district school superintendent for the purpose of reviewing the
1346 employee's contract. The evaluator must submit the written
1347 report to the employee no later than 10 days after the appraisal
1348 ~~assessment~~ takes place. The evaluator must discuss the written
1349 report of the appraisal ~~assessment~~ with the employee. The
1350 employee shall have the right to initiate a written response to
1351 the appraisal ~~assessment~~, and the response shall become a
1352 permanent attachment to his or her personnel file.

1353 (d) If an employee is not performing his or her duties in a
1354 satisfactory manner, the evaluator shall notify the employee in
1355 writing of such determination. The notice must describe such
1356 unsatisfactory performance and include notice of the following
1357 procedural requirements:

1358 1. Upon delivery of a notice of unsatisfactory performance,
1359 the evaluator must confer with the employee, make
1360 recommendations with respect to specific areas of unsatisfactory
1361 performance, and provide assistance in helping to correct
1362 deficiencies within a prescribed period of time.

1363 2.a. If the employee holds an annual contract as provided

8-01255C-10

20106__

1364 in s. 1012.335, and receives an unsatisfactory performance
1365 appraisal pursuant to the criteria in subparagraph (a)2., the
1366 employee may request a review of the appraisal by the district
1367 school superintendent or his or her designee. The district
1368 school superintendent may review the employee's appraisal.

1369 b. If the employee holds a professional service contract as
1370 provided in s. 1012.33, the employee shall be placed on
1371 performance probation and governed by the provisions of this
1372 section for 90 calendar days following the receipt of the notice
1373 of unsatisfactory performance to demonstrate corrective action.
1374 School holidays and school vacation periods are not counted when
1375 calculating the 90-calendar-day period. During the 90 calendar
1376 days, the employee who holds a professional service contract
1377 must be evaluated periodically and apprised of progress achieved
1378 and must be provided assistance and inservice training
1379 opportunities to help correct the noted performance
1380 deficiencies. At any time during the 90 calendar days, the
1381 employee who holds a professional service contract may request a
1382 transfer to another appropriate position with a different
1383 supervising administrator; however, a transfer does not extend
1384 the period for correcting performance deficiencies.

1385 c.~~b.~~ Within 14 days after the close of the 90 calendar
1386 days, the evaluator must evaluate ~~assess~~ whether the performance
1387 deficiencies have been corrected and forward a recommendation to
1388 the district school superintendent. Within 14 days after
1389 receiving the evaluator's recommendation, the district school
1390 superintendent must notify the employee who holds a professional
1391 service contract in writing whether the performance deficiencies
1392 have been satisfactorily corrected and whether the district

8-01255C-10

20106

1393 school superintendent will recommend that the district school
1394 board continue or terminate his or her employment contract. If
1395 the employee wishes to contest the district school
1396 superintendent's recommendation, the employee must, within 15
1397 days after receipt of the district school superintendent's
1398 recommendation, submit a written request for a hearing. The
1399 hearing shall be conducted at the district school board's
1400 election in accordance with one of the following procedures:

1401 (I) A direct hearing conducted by the district school board
1402 within 60 days after receipt of the written appeal. The hearing
1403 shall be conducted in accordance with the provisions of ss.
1404 120.569 and 120.57. A majority vote of the membership of the
1405 district school board shall be required to sustain the district
1406 school superintendent's recommendation. The determination of the
1407 district school board shall be final as to the sufficiency or
1408 insufficiency of the grounds for termination of employment; or

1409 (II) A hearing conducted by an administrative law judge
1410 assigned by the Division of Administrative Hearings of the
1411 Department of Management Services. The hearing shall be
1412 conducted within 60 days after receipt of the written appeal in
1413 accordance with chapter 120. The recommendation of the
1414 administrative law judge shall be made to the district school
1415 board. A majority vote of the membership of the district school
1416 board shall be required to sustain or change the administrative
1417 law judge's recommendation. The determination of the district
1418 school board shall be final as to the sufficiency or
1419 insufficiency of the grounds for termination of employment.

1420 (4) The district school superintendent shall notify the
1421 department of any instructional personnel who receive two

8-01255C-10

20106__

1422 consecutive unsatisfactory evaluations and who have been given
1423 written notice by the district that their employment is being
1424 terminated or is not being renewed or that the district school
1425 board intends to terminate, or not renew, their employment. The
1426 department shall conduct an investigation to determine whether
1427 action shall be taken against the certificateholder pursuant to
1428 s. 1012.795(1)(c).

1429 (5) The district school superintendent shall develop a
1430 mechanism for evaluating the effective use of appraisal
1431 ~~assessment~~ criteria and evaluation procedures by administrators
1432 who are assigned responsibility for evaluating the performance
1433 of instructional personnel. The use of the appraisal ~~assessment~~
1434 and evaluation procedures shall be considered as part of the
1435 annual appraisal ~~assessment~~ of the administrator's performance.
1436 The system must include a mechanism to give parents and teachers
1437 an opportunity to provide input into the administrator's
1438 performance assessment, ~~when appropriate~~.

1439 (6) Nothing in this section shall be construed to grant a
1440 probationary employee a right to continued employment beyond the
1441 term of his or her contract.

1442 (7) The district school board shall establish a procedure
1443 annually reviewing instructional personnel appraisal ~~assessment~~
1444 systems to determine compliance with this section. All
1445 substantial revisions to an approved system must be reviewed and
1446 approved by the district school board before being used to
1447 evaluate ~~assess~~ instructional personnel. Upon request by a
1448 school district, the department shall provide assistance in
1449 developing, improving, or reviewing an appraisal ~~assessment~~
1450 system.

8-01255C-10

20106__

1451 (8) The State Board of Education shall adopt rules pursuant
1452 to ss. 120.536(1) and 120.54, that establish uniform guidelines
1453 for the submission, review, and approval of district procedures
1454 for the annual appraisal ~~assessment~~ of instructional personnel
1455 and school-based administrative personnel and that include the
1456 method of calculating rates of student learning tied to
1457 differentiated levels of performance as provided for in
1458 paragraph (2) (g) and criteria for evaluating professional
1459 performance.

1460 Section 29. Subsection (3) is added to section 1012.42,
1461 Florida Statutes, to read:

1462 1012.42 Teacher teaching out-of-field.-

1463 (3) CERTIFICATION REQUIREMENTS.-Beginning in the 2010-2011
1464 school year, a district school board shall not assign any
1465 beginning teacher to teach reading, science, or mathematics if
1466 he or she is not certified in reading, science, or mathematics.

1467 Section 30. Section 1012.52, Florida Statutes, is repealed.

1468 Section 31. Paragraph (c) of subsection (2), subsections
1469 (5) and (7), paragraph (b) of subsection (9), and subsection
1470 (17) of section 1012.56, Florida Statutes, are amended to read:

1471 1012.56 Educator certification requirements.-

1472 (2) ELIGIBILITY CRITERIA.-To be eligible to seek
1473 certification, a person must:

1474 (c) Document receipt of a bachelor's or higher degree from
1475 an accredited institution of higher learning, or a nonaccredited
1476 institution of higher learning that the Department of Education
1477 has identified as having a quality program resulting in a
1478 bachelor's degree, or higher. Each applicant seeking initial
1479 certification must have attained at least a 2.5 overall grade

8-01255C-10

20106

1480 point average on a 4.0 scale in the applicant's major field of
1481 study. The applicant may document the required education by
1482 submitting official transcripts from institutions of higher
1483 education or by authorizing the direct submission of such
1484 official transcripts through established electronic network
1485 systems. The bachelor's or higher degree may not be required in
1486 areas approved in rule by the State Board of Education as
1487 nondegreed areas. The State Board of Education may adopt rules
1488 that, for purposes of demonstrating completion of certification
1489 requirements specified in state board rule, allow for the
1490 acceptance of college course credits recommended by the American
1491 Council on Education (ACE), as posted on an official ACE
1492 transcript.

1493 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
1494 demonstrating mastery of subject area knowledge are:

1495 (a) Achievement of passing scores on subject area
1496 examinations required by state board rule, which may include,
1497 but need not be limited to, world languages in Arabic, Chinese,
1498 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
1499 Italian, Japanese, Portuguese, Russian, and Spanish;

1500 (b) Completion of a bachelor's degree or higher and
1501 verification of the attainment of an oral proficiency interview
1502 score above the intermediate level and a written proficiency
1503 score above the intermediate level on a test administered by the
1504 American Council on the Teaching of Foreign Languages for which
1505 there is no Florida-developed examination;

1506 (c) Completion of the subject area specialization
1507 requirements specified in state board rule and verification of
1508 the attainment of the essential subject matter competencies by

8-01255C-10

20106__

1509 the district school superintendent of the employing school
1510 district or chief administrative officer of the employing state-
1511 supported or private school for a subject area for which a
1512 subject area examination has not been developed and required by
1513 state board rule;

1514 (d) Completion of the subject area specialization
1515 requirements specified in state board rule for a subject
1516 coverage requiring a master's or higher degree and achievement
1517 of a passing score on the subject area examination specified in
1518 state board rule;

1519 (e) A valid professional standard teaching certificate
1520 issued by another state and achievement of a passing score on
1521 the subject areas specified in State Board of Education rule or
1522 by a full demonstration of mastery of his or her ability to
1523 teach the subject area for which he or she is seeking
1524 certification, as provided by rules of the State Board of
1525 Education; or

1526 (f) A valid certificate issued by the National Board for
1527 Professional Teaching Standards or a national educator
1528 credentialing board approved by the State Board of Education.

1529
1530 The requirement in paragraph (e) must be met within the first
1531 semester of the first year of teaching under the temporary
1532 certificate. School districts are encouraged to provide
1533 mechanisms for those middle school teachers holding only a K-6
1534 teaching certificate to obtain a subject area coverage for
1535 middle grades through postsecondary coursework or district add-
1536 on certification.

1537 (7) TYPES AND TERMS OF CERTIFICATION.-

8-01255C-10

20106__

1538 (a) The Department of Education shall issue a professional
1539 certificate for a period not to exceed 5 years to any applicant
1540 who meets all the requirements outlined in subsection (2).

1541 (b) The department shall issue a temporary certificate to
1542 any applicant who meets the following requirements:

1543 1. Completes the requirements outlined in paragraphs

1544 (2) (a)-(f); and

1545 2.a. Completes the subject area content requirements
1546 specified in state board rule; or

1547 b. Demonstrates mastery of subject area knowledge pursuant
1548 to subsection (5); and

1549 3. Holds an accredited degree or a degree approved by the
1550 Department of Education at the level required for the subject
1551 area specialization in state board rule.

1552 (c) The department shall issue one nonrenewable 2-year
1553 temporary certificate and one nonrenewable 5-year professional
1554 certificate to a qualified applicant who holds a bachelor's
1555 degree in the area of speech-language impairment to allow for
1556 completion of a master's degree program in speech-language
1557 impairment.

1558
1559 Each temporary certificate is valid for 3 school fiscal years
1560 and is nonrenewable. However, the requirement in paragraphs
1561 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of
1562 the date of employment under the temporary certificate.

1563 Individuals who are employed under contract at the end of the 1
1564 calendar year time period may continue to be employed through
1565 the end of the school year in which they have been contracted. A
1566 school district shall not employ, or continue the employment of,

8-01255C-10

20106__

1567 an individual in a position for which a temporary certificate is
1568 required beyond this time period if the individual has not met
1569 the requirement of paragraph (2) (g) or paragraph (2) (h). The
1570 State Board of Education shall adopt rules to allow the
1571 department to extend the validity period of a temporary
1572 certificate for 2 years when the requirements for the
1573 professional certificate, not including the requirement in
1574 paragraph (2) (g) or paragraph (2) (h), were not completed due to
1575 the serious illness or injury of the applicant or other
1576 extraordinary extenuating circumstances. The department shall
1577 reissue the temporary certificate for 2 additional years upon
1578 approval by the Commissioner of Education. A written request for
1579 reissuance of the certificate shall be submitted by the district
1580 school superintendent, the governing authority of a university
1581 lab school, the governing authority of a state-supported school,
1582 or the governing authority of a private school.

1583 (9) EXAMINATIONS.—

1584 (b) The State Board of Education shall, by rule, specify
1585 the examination scores that are required for the issuance of a
1586 professional certificate and temporary certificate. Such rules
1587 must define generic subject area and reading instruction
1588 competencies and must establish uniform evaluation guidelines.
1589 The State Board of Education shall review the current subject
1590 area examinations and, if necessary, revise the passing scores
1591 and reading instruction pursuant to s. 1001.215 required for
1592 achieving certification in order to match expectations for
1593 teacher competency in each subject area.

1594 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—

1595 ~~Beginning with the 2003-2004 school year,~~ The Department of

8-01255C-10

20106__

1596 Education shall conduct a longitudinal study to compare
1597 performance of certificateholders who are employed in Florida
1598 school districts. The study shall compare ~~a sampling of~~
1599 educators who have qualified for a professional certificate
1600 ~~since July 1, 2002,~~ based on the following:

1601 (a) Graduation from a state-approved teacher preparation
1602 program.

1603 (b) Completion of a state-approved professional preparation
1604 and education competency program.

1605 (c) A valid standard teaching certificate issued by a state
1606 other than Florida.

1607
1608 The department comparisons shall be made to determine if there
1609 is any significant difference in the performance of these groups
1610 of teachers, as measured by their students' achievement levels
1611 and learning gains as measured by s. 1008.22.

1612 Section 32. Paragraph (b) of subsection (2) and subsection
1613 (5) of section 1012.585, Florida Statutes, are amended, and
1614 subsection (6) is added to that section, to read:

1615 1012.585 Process for renewal of professional certificates.—

1616 (2)

1617 (b) A teacher with national certification from the National
1618 Board for Professional Teaching Standards is deemed to meet
1619 state renewal requirements ~~for the life of the teacher's~~
1620 ~~national certificate~~ in the subject shown on the national
1621 certificate. A complete renewal application and fee shall be
1622 submitted. The Commissioner of Education shall notify teachers
1623 of the renewal application and fee requirements. This paragraph
1624 expires July 1, 2014.

8-01255C-10

20106__

1625 (5) The State Board of Education shall adopt rules to allow
1626 the reinstatement of expired professional certificates. The
1627 department may reinstate an expired professional certificate if
1628 the certificateholder:

1629 (a) Submits an application for reinstatement of the expired
1630 certificate.

1631 (b) Documents completion of 6 college credits during the 5
1632 years immediately preceding reinstatement of the expired
1633 certificate, completion of 120 inservice points, or a
1634 combination thereof, in an area specified in paragraph (3)(a).

1635 (c) Meets the requirements in subsection (6).

1636 (d)~~(e)~~ During the 5 years immediately preceding
1637 reinstatement of the certificate, achieves a passing score on
1638 the subject area test for each subject to be shown on the
1639 reinstated certificate.

1640
1641 The requirements of this subsection may not be satisfied by
1642 subject area tests or college credits completed for issuance of
1643 the certificate that has expired.

1644 (6) Beginning with the 2014-2015 school year, the
1645 requirements for the renewal of a professional certificate shall
1646 include documentation of effective or highly effective
1647 performance as demonstrated under s. 1012.34 for each year of
1648 instructional or administrative performance during the renewal
1649 period. The State Board of Education shall adopt rules to define
1650 the process for documenting effective performance under this
1651 subsection, including equivalent options for individuals who
1652 have not been evaluated under s. 1012.34. An individual's
1653 certificate shall expire if the individual is not able to

8-01255C-10

20106__

1654 demonstrate effective performance as required under this
1655 subsection and the rules of the state board. The individual may
1656 apply to reinstate his or her professional certificate under
1657 subsection (5).

1658 Section 33. Section 1012.72, Florida Statutes, is repealed.

1659 Section 34. Subsection (1) of section 1012.79, Florida
1660 Statutes, is amended to read:

1661 1012.79 Education Practices Commission; organization.—

1662 (1) The Education Practices Commission consists of 25
1663 members, including 11 ~~8~~ teachers; 5 administrators, at least one
1664 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,
1665 3 ~~5~~ of whom shall be parents of public school students and who
1666 are unrelated to public school employees and 2 of whom shall be
1667 former district school board members; and 4 ~~5~~ sworn law
1668 enforcement officials, appointed by the State Board of Education
1669 from nominations by the Commissioner of Education and subject to
1670 Senate confirmation. Prior to making nominations, the
1671 commissioner shall consult with teaching associations, parent
1672 organizations, law enforcement agencies, and other involved
1673 associations in the state. In making nominations, the
1674 commissioner shall attempt to achieve equal geographical
1675 representation, as closely as possible.

1676 (a) A teacher member, in order to be qualified for
1677 appointment:

1678 1. Must be certified to teach in the state.

1679 2. Must be a resident of the state.

1680 3. Must have practiced the profession ~~in this state~~ for at
1681 least 10 years, with at least 5 years of experience in this
1682 state immediately preceding the appointment.

8-01255C-10

20106__

1683 (b) A school administrator member, in order to be qualified
1684 for appointment:

1685 1. Must have an endorsement on the educator certificate in
1686 the area of school administration or supervision.

1687 2. Must be a resident of the state.

1688 3. Must have practiced the profession as an administrator
1689 for at least 5 years immediately preceding the appointment.

1690 (c) The lay members must be residents of the state.

1691 (d) The law enforcement official members must have served
1692 in the profession for at least 5 years immediately preceding
1693 appointment and have background expertise in child safety.

1694 Section 35. Paragraph (h) of subsection (1) of section
1695 1012.795, Florida Statutes, is amended to read:

1696 1012.795 Education Practices Commission; authority to
1697 discipline.-

1698 (1) The Education Practices Commission may suspend the
1699 educator certificate of any person as defined in s. 1012.01(2)
1700 or (3) for up to 5 years, thereby denying that person the right
1701 to teach or otherwise be employed by a district school board or
1702 public school in any capacity requiring direct contact with
1703 students for that period of time, after which the holder may
1704 return to teaching as provided in subsection (4); may revoke the
1705 educator certificate of any person, thereby denying that person
1706 the right to teach or otherwise be employed by a district school
1707 board or public school in any capacity requiring direct contact
1708 with students for up to 10 years, with reinstatement subject to
1709 the provisions of subsection (4); may revoke permanently the
1710 educator certificate of any person thereby denying that person
1711 the right to teach or otherwise be employed by a district school

8-01255C-10

20106__

1712 board or public school in any capacity requiring direct contact
1713 with students; may suspend the educator certificate, upon an
1714 order of the court or notice by the Department of Revenue
1715 relating to the payment of child support; or may impose any
1716 other penalty provided by law, if the person:

1717 (h) Has breached a contract, as provided in s. 1012.33(2)
1718 or s. 1012.335.

1719 Section 36. Review of teacher preparation program funding.-

1720 (1) The Department of Education, in collaboration with the
1721 Board of Governors, shall develop a methodology to determine the
1722 cost-effectiveness of the teacher preparation programs in ss.
1723 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
1724 methodology for determining program costs must use existing
1725 expenditure data, when available.

1726 (2) On or before December 1, 2011, the Department of
1727 Education shall submit a report to the Governor, the President
1728 of the Senate, and the Speaker of the House of Representatives
1729 which:

1730 (a) Provides a methodology to evaluate the cost-
1731 effectiveness of teacher preparation programs based on program
1732 costs, program outcomes of student cohorts such as completion
1733 rates, placement rates in teaching jobs, retention rates in the
1734 classroom, and student achievement and learning gains of
1735 students taught by graduates;

1736 (b) Uses the methodology developed to evaluate the cost-
1737 effectiveness of the state's teacher preparation programs; and

1738 (c) Provides recommendations that would enhance the
1739 Legislature's ability to consider the program's productivity
1740 when allocating funds.

8-01255C-10

20106__

1741 (3) The Office of Program Policy Analysis and Government
1742 Accountability shall review the current standards for the
1743 continued approval of teacher preparation programs and make
1744 recommendations to the Legislature on or before January 1, 2012,
1745 for any needed changes. Such recommendations shall include
1746 proposed changes to the allocation of any state funds to teacher
1747 preparation programs and the students enrolled in these
1748 programs.

1749 Section 37. The amendments to ss. 1012.22 and 1012.33,
1750 Florida Statutes, shall apply to contracts newly entered into,
1751 extended, or readopted on or after July 1, 2010, and to all
1752 contracts on or after July 1, 2013.

1753 Section 38. Except as otherwise expressly provided in this
1754 act, this act shall take effect July 1, 2010.