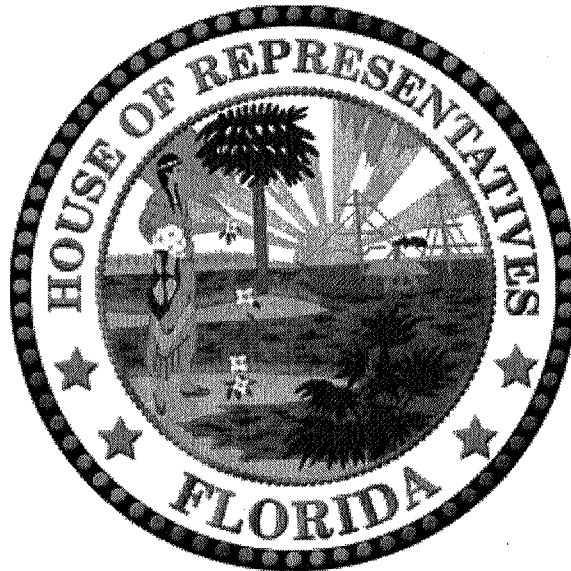


# **Florida House of Representatives**



## **Meeting Packet**

**March 11, 2008**

**10:00 a.m.—12:00 p.m.**

**Morris Hall**

## **Committee on K - 12**

**Speaker**

**Marco Rubio**

**Chair**

**Anitere Flores**





# **The Florida House of Representatives**

## **Schools & Learning Council**

### **Committee on K-12**

**Marco Rubio**  
Speaker

**Anitere Flores**  
Chair

**Meeting Agenda**  
**Tuesday, March 11, 2008**  
**Morris Hall**  
**10:00 a.m. – 12:00 p.m.**

- I. Opening Remarks by Chair Flores**
- II. Roll Call**
- III. Consideration of the following:**
  - **HB 207 Educator Certification by Representative Sachs**
  - **HB 669 School Safety by Representative N. Thompson**
- IV. Review of Interim Project on Teacher Professional Development Programs in Florida**
- V. Closing Comments / Meeting Adjourned**







HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 207**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN                              \_\_\_ (Y/N)  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

1 Council/Committee hearing bill: Committee on K-12

2 Representative(s) Sachs offered the following:

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

5       Remove everything after the enacting clause and insert:

6  
7       Section 1. Subsection (4) of section 1012.56, Florida  
8 Statutes, is amended to read:

9       1012.56 Educator certification requirements.--

10       (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
11 of demonstrating mastery of subject area knowledge are:

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

17       (b) Completion of a bachelor's degree or higher and  
18 verification of the attainment of an oral proficiency interview  
19 score above the intermediate level and a written proficiency  
20 score above the intermediate level on a test administered by the  
21 American Council on the Teaching of Foreign Languages for which  
22 there is no Florida-developed examination;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23        (c)~~(b)~~ Completion of the subject area specialization  
24 requirements specified in state board rule and verification of  
25 the attainment of the essential subject matter competencies by  
26 the district school superintendent of the employing school  
27 district or chief administrative officer of the employing state-  
28 supported or private school for a subject area for which a  
29 subject area examination has not been developed and required by  
30 state board rule;

31        (d)~~(e)~~ Completion of the subject area specialization  
32 requirements specified in state board rule for a subject  
33 coverage requiring a master's or higher degree and achievement  
34 of a passing score on the subject area examination specified in  
35 state board rule;

36        (e)~~(d)~~ A valid professional standard teaching certificate  
37 issued by another state; or

38        (f)~~(e)~~ A valid certificate issued by the National Board  
39 for Professional Teaching Standards or a national educator  
40 credentialing board approved by the State Board of Education.

41  
42 School districts are encouraged to provide mechanisms for those  
43 middle school teachers holding only a K-6 teaching certificate  
44 to obtain a subject area coverage for middle grades through  
45 postsecondary coursework or district add-on certification.

46        Section 2. This act shall take effect July 1, 2008.

47  
48  
49  
50  
51  
52

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

Remove the entire title and insert:

A bill to be entitled



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 An act relating to educator certification requirements;  
54 amending s. 1012.56, F.S.; requiring subject area  
55 examinations in specified foreign languages for the  
56 purpose of demonstrating mastery of that subject area  
57 knowledge; providing an effective date.



1                                   A bill to be entitled  
 2           An act relating to educator certification requirements;  
 3           amending s. 1012.56, F.S.; requiring subject area  
 4           examinations in specified foreign languages for the  
 5           purpose of demonstrating mastery of that subject area  
 6           knowledge; providing an effective date.

7

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

9

10           Section 1. Subsection (4) of section 1012.56, Florida  
 11   Statutes, is amended to read:

12           1012.56 Educator certification requirements.--

13           (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
 14   of demonstrating mastery of subject area knowledge are:

15           (a) Achievement of passing scores on subject area  
 16   examinations required by state board rule, such subject area  
 17   examinations to include foreign language examinations in  
 18   Spanish, French, German, Latin, Hebrew, Italian, and Chinese;

19           (b) Completion of the subject area specialization  
 20   requirements specified in state board rule and verification of  
 21   the attainment of the essential subject matter competencies by  
 22   the district school superintendent of the employing school  
 23   district or chief administrative officer of the employing state-  
 24   supported or private school for a subject area for which a  
 25   subject area examination has not been developed and required by  
 26   state board rule;

27           (c) Completion of the subject area specialization  
 28   requirements specified in state board rule for a subject

29 coverage requiring a master's or higher degree and achievement  
 30 of a passing score on the subject area examination specified in  
 31 state board rule;

32 (d) A valid professional standard teaching certificate  
 33 issued by another state; or

34 (e) A valid certificate issued by the National Board for  
 35 Professional Teaching Standards or a national educator  
 36 credentialing board approved by the State Board of Education.

37

38 School districts are encouraged to provide mechanisms for those  
 39 middle school teachers holding only a K-6 teaching certificate  
 40 to obtain a subject area coverage for middle grades through  
 41 postsecondary coursework or district add-on certification.

42 Section 2. This act shall take effect July 1, 2008.


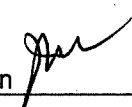
# HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 207 Educator Certification Requirements

**SPONSOR(S):** Sachs and others

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on K-12</u>	_____	Gillespie 	Ahearn 
2) <u>Schools &amp; Learning Council</u>	_____	_____	_____
3) <u>Policy &amp; Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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## SUMMARY ANALYSIS

House Bill 207 requires the State Board of Education to develop subject area examinations for the following foreign languages: Spanish, French, German, Latin, Hebrew, Italian, and Chinese. Since the state board has developed examinations for Spanish, French, German, and Latin, the bill effectively requires the development of examinations for the three remaining foreign languages: Hebrew, Italian, and Chinese. Passage of a subject area examination is one option for an applicant to demonstrate the required mastery of subject area knowledge for purposes of earning a teaching certificate.

The Department of Education estimates that the cost for development and administration of three new foreign language examinations in Hebrew, Italian, and Chinese is approximately \$1.3 to \$1.5 million over the first three years (**see II. FISCAL ANALYSIS**).

Representative Carroll has filed an amendment that, if adopted, in effect eliminates the bill's fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

An applicant seeking a teaching certificate in Florida must, among other things, demonstrate mastery of subject area knowledge.<sup>1</sup> The applicant may demonstrate mastery of subject area knowledge through, among other options, one of the following:

- Achievement of passing scores on subject area examinations required by rules adopted by the State Board of Education; or
- For a subject area for which a subject area examination is not developed and required by state board rule, completion of subject area specialization requirements specified in state board rule and verification of the applicant's attainment of the essential subject matter competencies by the school district, state-supported school, or private school employing the applicant.<sup>2</sup>

The State Board of Education is required to designate the certification areas for subject area examinations.<sup>3</sup> Under the Florida Teacher Certification Examinations (FTCE) program, the state board has developed subject area examinations for four foreign languages: Spanish, French, German, and Latin.<sup>4</sup> The Department of Education (DOE) first administered examinations for these foreign languages in October 1989.<sup>5</sup>

The state board has also established specialization requirements for certification in 10 modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.<sup>6</sup> State board rule establishes three options for meeting the specialization requirements:

- Bachelor's or higher degree with an undergraduate or graduate major in one of the modern languages;
- Bachelor's or higher degree with 30 semester hours in one of the modern languages; or
- Bachelor's or higher degree and completion of the Basic Program of the Defense Language Institute<sup>7</sup> of the U.S. Department of Defense in one of the modern languages.<sup>8</sup>

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<sup>1</sup> Section 1012.56(2)(h), F.S.

<sup>2</sup> Section 1012.56(4)(a) & (b), F.S.

<sup>3</sup> Section 1012.56(8)(c), F.S.

<sup>4</sup> Rule 6A-4.0021(9)(d) & (j), F.A.C.; Florida Department of Education, *Florida Teacher Certification Examinations (FTCE), Competencies and Skills: Twelfth Edition*, at <http://www.fldoe.org/asp/ftce/ftcecomp.asp> (last visited Mar. 7, 2008).

<sup>5</sup> Florida Department of Education, Division of Accountability, Research, and Measurement, *Assessment and Accountability Briefing Book 9* (2007), available at <http://fcats.fldoe.org/pdf/BriefingBook07web.pdf> (last visited Mar. 7, 2008).

<sup>6</sup> Rule 6A-4.0243(1), F.S.

<sup>7</sup> See Defense Language Institute, Foreign Language Center, at <http://www.dliflc.edu> (last visited Mar. 7, 2008).

<sup>8</sup> Rule 6A-4.0243(1)(a), (b) & (d), F.A.C.

In addition, an applicant completing specialization requirements in one modern language may obtain specialization in a second modern language if the applicant has a bachelor's or higher degree and completes 21 semester hours in the second modern language.<sup>9</sup>

State board rule establishes two options for meeting specialization requirements for certification in Latin:

- Bachelor's or higher degree with an undergraduate or graduate major in Latin; or
- Bachelor's or higher degree with 30 semester hours in Latin.<sup>10</sup>

In addition, an applicant completing specialization requirements in a modern language may obtain specialization in Latin if the applicant has a bachelor's or higher degree and completes 21 semester hours in Latin.<sup>11</sup>

On February 19, 2008, the State Board of Education approved an amendment to its rule establishing specialization requirements for foreign languages.<sup>12</sup> The amended rule:

- Adds Arabic, Farsi, Haitian Creole, and Hindi to the 10 modern languages for which an applicant may obtain specialization;<sup>13</sup> and
- Authorizes an applicant for specialization in any of the 15 modern languages, for which there is no Florida-developed subject area examination, to meet the specialization requirements through earning a bachelor's or higher degree and scoring above the intermediate level on the oral and written proficiency tests administered for the language by the American Council on the Teaching of Foreign Languages (ACTFL).<sup>14</sup>

ACFTL currently offers proficiency assessments for each of the modern languages listed in the state board rule.<sup>15</sup>

According to DOE, the following numbers of schools and school districts are currently teaching the following foreign languages:

- Italian: 57 schools in 15 districts;
- Chinese: 25 schools in 9 districts; and
- Hebrew: 0 schools in 0 districts.<sup>16</sup>

DOE reports that there are currently 109 persons certified in Italian, 14 persons certified in Chinese, and 10 persons certified in Hebrew in the state.<sup>17</sup>

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<sup>9</sup> Rule 6A-4.0243(1)(c), F.A.C.

<sup>10</sup> Rule 6A-4.0243(2)(a) & (b), F.A.C.

<sup>11</sup> Rule 6A-4.0243(2)(c), F.A.C.

<sup>12</sup> Florida Department of State, *Florida Administrative Weekly*, Vol. 34, No. 3, at 288-289 (Jan. 18, 2008), available at <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2008/3403/3403doc.pdf> (last visited Mar. 7, 2008).

<sup>13</sup> Proposed rule 6A-4.0243(1), F.A.C.

<sup>14</sup> Proposed rule 6A-4.0243(2)(e), F.A.C.

<sup>15</sup> American Council on the Teaching of Foreign Languages, *Current List of Assessment Languages*, at [https://www.languageTesting.com/language\\_list\\_acad.htm](https://www.languageTesting.com/language_list_acad.htm) (last visited Mar. 7, 2008).

<sup>16</sup> Florida Department of Education, *2008 Agency Bill Analysis of HB 207*, at 1 (Nov. 26, 2007).

<sup>17</sup> *Id.*

Proposed Changes:

The bill requires the State Board of Education to develop subject area examinations for the following foreign languages: Spanish, French, German, Latin, Hebrew, Italian, and Chinese. Since the state board has developed examinations for Spanish, French, German, and Latin, the bill effectively requires the development of examinations for the three remaining foreign languages: Hebrew, Italian, and Chinese.

The bill provides an effective date of July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Amends section 1012.56, F.S., requiring DOE to establish subject area examinations in specified foreign languages.

Section 2. Provides an effective date of July 1, 2008.

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

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to DOE, its teacher certification testing vendor<sup>18</sup> estimates that the cost for development and administration of three new foreign language examinations in Hebrew, Italian, and Chinese is approximately \$1.3 to \$1.5 million over the first three years.<sup>19</sup> DOE specifies that the development and administration of certification examinations cost approximately \$85 per examinee.<sup>20</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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<sup>18</sup> Evaluation Systems group of Pearson Education, Inc.

<sup>19</sup> Florida Department of Education, *supra* note 16, at 2.

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



### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

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

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill does not include any provisions specifically requiring rulemaking, but the bill in effect requires the State Board of Education to amend its rule establishing requirements for the Florida Teacher Certification Examinations (FTCE).<sup>21</sup>

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

DOE estimates that implementation of three new foreign language examinations will require approximately 2.5 years before the first test administration, including:

- Six months to plan, fund, and execute contract amendments;
- Eighteen months for test development of written and performance tests; and
- Six months to implement rule changes by the State Board of Education, including the state board's approval of competencies and skills and passing scores for the examinations.<sup>22</sup>

#### D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

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<sup>21</sup> Rule 6A-4.0021, F.A.C.

<sup>22</sup> Florida Department of Education, *supra* note 16, at 2.







1                                   A bill to be entitled  
 2           An act relating to school safety; creating s. 1006.147,  
 3           F.S.; providing a short title; prohibiting bullying and  
 4           harassment of any student or employee of a public K-12  
 5           educational institution; providing definitions; requiring  
 6           each school district to adopt a policy prohibiting such  
 7           bullying and harassment; providing minimum requirements  
 8           for the contents of the policy; requiring the Department  
 9           of Education to develop a model policy; providing  
 10          immunity; providing restrictions with respect to defense  
 11          of an action and application of the section; requiring  
 12          department approval of a school district's policy and  
 13          school district compliance with reporting procedures as  
 14          prerequisites to receipt of safe schools funds; requiring  
 15          a report on implementation; providing for construction;  
 16          providing for severability; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20           Section 1.   Section 1006.147, Florida Statutes, is created  
 21 to read:

22           1006.147 Bullying and harassment prohibited.--

23           (1) This section may be cited as the "Jeffrey Johnston  
 24 Stand Up for All Students Act."

25           (2) Bullying or harassment of any student or employee of a  
 26 public K-12 educational institution is prohibited:

27           (a) During any education program or activity conducted by  
 28 a public K-12 educational institution;

29 (b) During any school-related or school-sponsored program  
 30 or activity or on a school bus of a public K-12 educational  
 31 institution; or

32 (c) Through the use of data or computer software that is  
 33 accessed through a computer, computer system, or computer  
 34 network of a public K-12 educational institution.

35 (3) For purposes of this section:

36 (a) "Bullying" means systematically and chronically  
 37 inflicting physical hurt or psychological distress on one or  
 38 more students and may involve:

- 39 1. Teasing;
- 40 2. Social exclusion;
- 41 3. Threat;
- 42 4. Intimidation;
- 43 5. Stalking;
- 44 6. Physical violence;
- 45 7. Theft;
- 46 8. Sexual, religious, or racial harassment;
- 47 9. Public humiliation; or
- 48 10. Destruction of property.

49 (b) "Harassment" means any threatening, insulting, or  
 50 dehumanizing gesture, use of data or computer software, or  
 51 written, verbal, or physical conduct directed against a student  
 52 or school employee that:

- 53 1. Places a student or school employee in reasonable fear  
 54 of harm to his or her person or damage to his or her property;
- 55 2. Has the effect of substantially interfering with a  
 56 student's educational performance, opportunities, or benefits;

57 or

58 3. Has the effect of substantially disrupting the orderly  
 59 operation of a school.

60 (c) Definitions in s. 815.03 and the definition in s.  
 61 784.048(1)(d) relating to stalking are applicable to this  
 62 section.

63 (d) The definitions of "bullying" and "harassment"  
 64 include:

65 1. Retaliation against a student or school employee by  
 66 another student or school employee for asserting or alleging an  
 67 act of bullying or harassment. Reporting an act of bullying or  
 68 harassment that is not made in good faith is considered  
 69 retaliation.

70 2. Perpetuation of conduct listed in paragraph (a) or  
 71 paragraph (b) by an individual or group with intent to demean,  
 72 dehumanize, embarrass, or cause physical harm to a student or  
 73 school employee by:

74 a. Incitement or coercion;

75 b. Accessing or knowingly causing or providing access to  
 76 data or computer software through a computer, computer system,  
 77 or computer network within the scope of the district school  
 78 system; or

79 c. Acting in a manner that has an effect substantially  
 80 similar to the effect of bullying or harassment.

81 (4) By December 1, 2008, each school district shall adopt  
 82 a policy prohibiting bullying and harassment of any student or  
 83 employee of a public K-12 educational institution. Each school  
 84 district's policy shall be in substantial conformity with the

85 Department of Education's model policy mandated in subsection  
 86 (5). The school district bullying and harassment policy shall  
 87 afford all students the same protection regardless of their  
 88 status under the law. The school district may establish separate  
 89 discrimination policies that include categories of students. The  
 90 school district shall involve students, parents, teachers,  
 91 administrators, school staff, school volunteers, community  
 92 representatives, and local law enforcement agencies in the  
 93 process of adopting the policy. The school district policy must  
 94 be implemented in a manner that is ongoing throughout the school  
 95 year and integrated with a school's curriculum, a school's  
 96 discipline policies, and other violence prevention efforts. The  
 97 school district policy must contain, at a minimum, the following  
 98 components:

99 (a) A statement prohibiting bullying and harassment.  
 100 (b) A definition of bullying and a definition of  
 101 harassment that include the definitions listed in this section.  
 102 (c) A description of the type of behavior expected from  
 103 each student and employee of a public K-12 educational  
 104 institution.

105 (d) The consequences for a student or employee of a public  
 106 K-12 educational institution who commits an act of bullying or  
 107 harassment.

108 (e) The consequences for a student or employee of a public  
 109 K-12 educational institution who is found to have wrongfully and  
 110 intentionally accused another of an act of bullying or  
 111 harassment.

112 (f) A procedure for reporting an act of bullying or



113 harassment, including provisions that permit a person to  
 114 anonymously report such an act. However, this paragraph does not  
 115 permit formal disciplinary action to be based solely on an  
 116 anonymous report.

117 (g) A procedure for the prompt investigation of a report  
 118 of bullying or harassment and the persons responsible for the  
 119 investigation. The investigation of a reported act of bullying  
 120 or harassment is deemed to be a school-related activity and  
 121 begins with a report of such an act.

122 (h) A process to investigate whether a reported act of  
 123 bullying or harassment is within the scope of the district  
 124 school system and, if not, a process for referral of such an act  
 125 to the appropriate jurisdiction.

126 (i) A procedure for providing immediate notification to  
 127 the parents of a victim of bullying or harassment and the  
 128 parents of the perpetrator of an act of bullying or harassment,  
 129 as well as notification to all local agencies where criminal  
 130 charges may be pursued against the perpetrator.

131 (j) A procedure to refer victims and perpetrators of  
 132 bullying or harassment for counseling.

133 (k) A procedure for including incidents of bullying or  
 134 harassment in the school's report of data concerning school  
 135 safety and discipline required under s. 1006.09(6). The report  
 136 must include each incident of bullying or harassment and the  
 137 resulting consequences, including discipline and referrals. The  
 138 report must include in a separate section each reported incident  
 139 of bullying or harassment that does not meet the criteria of a  
 140 prohibited act under this section with recommendations regarding

141 such incidents. The Department of Education shall aggregate  
 142 information contained in the reports.

143 (1) A procedure for providing instruction to students,  
 144 parents, teachers, school administrators, counseling staff, and  
 145 school volunteers on identifying, preventing, and responding to  
 146 bullying or harassment.

147 (m) A procedure for regularly reporting to a victim's  
 148 parents the actions taken to protect the victim.

149 (n) A procedure for publicizing the policy, which must  
 150 include its publication in the code of student conduct required  
 151 under s. 1006.07(2) and in all employee handbooks.

152 (5) To assist school districts in developing policies  
 153 prohibiting bullying and harassment, the Department of Education  
 154 shall develop a model policy that shall be provided to school  
 155 districts no later than October 1, 2008.

156 (6) A school employee, school volunteer, student, or  
 157 parent who promptly reports in good faith an act of bullying or  
 158 harassment to the appropriate school official designated in the  
 159 school district's policy and who makes this report in compliance  
 160 with the procedures set forth in the policy is immune from a  
 161 cause of action for damages arising out of the reporting itself  
 162 or any failure to remedy the reported incident.

163 (7) (a) The physical location or time of access of a  
 164 computer-related incident cannot be raised as a defense in any  
 165 disciplinary action initiated under this section.

166 (b) This section does not apply to any person who uses  
 167 data or computer software that is accessed through a computer,  
 168 computer system, or computer network when acting within the

169 scope of his or her lawful employment or investigating a  
 170 violation of this section in accordance with school district  
 171 policy.

172 (8) Distribution of safe schools funds to a school  
 173 district provided in the 2009-2010 General Appropriations Act is  
 174 contingent upon and payable to the school district upon the  
 175 Department of Education's approval of the school district's  
 176 bullying and harassment policy. The department's approval of  
 177 each school district's bullying and harassment policy shall be  
 178 granted upon certification by the department that the school  
 179 district's policy has been submitted to the department and is in  
 180 substantial conformity with the department's model bullying and  
 181 harassment policy as mandated in subsection (5). Distribution of  
 182 safe schools funds provided to a school district in fiscal year  
 183 2010-2011 and thereafter shall be contingent upon and payable to  
 184 the school district upon the school district's compliance with  
 185 all reporting procedures contained in this section.

186 (9) On or before January 1 of each year, the Commissioner  
 187 of Education shall report to the Governor, the President of the  
 188 Senate, and the Speaker of the House of Representatives on the  
 189 implementation of this section. The report shall include data  
 190 collected pursuant to paragraph (4) (k).

191 (10) Nothing in this section shall be construed to abridge  
 192 the rights of students or school employees that are protected by  
 193 the First Amendment to the Constitution of the United States.

194 Section 2. If any provision of this act or the application  
 195 thereof to any person or circumstance is held invalid, the  
 196 invalidity shall not affect other provisions or applications of

HB 669

2008

197 | the act which can be given effect without the invalid provision  
198 | or application, and to this end the provisions of this act are  
199 | declared severable.

200 |       Section 3. This act shall take effect upon becoming a law.


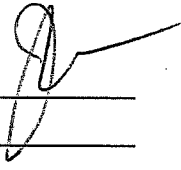
**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 669                      School Safety

**SPONSOR(S):** Thompson and others

**TIED BILLS:**    **IDEN./SIM. BILLS:** SB 88, SB 790

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on K-12</u>	_____	Kutasi 	Ahearn 
2) <u>Schools &amp; Learning Council</u>	_____	_____	_____
3) <u>Policy &amp; Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

House Bill 669 creates the "Jeffrey Johnston Stand Up for All Students Act." The bill prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network.

The Department of Education (DOE), by October 1, 2008, must adopt a model policy prohibiting bullying and harassment. By December 1, 2008, each school district is required to adopt a bullying and harassment policy in substantial conformity with DOE's model policy. A school district must include students, parents, teachers, administrators, school staff, volunteers, community representatives, and local law enforcement agencies in the development of the district's policy. A school district's bullying and harassment policy must be published in its codes of student conduct and employee handbooks and requires ongoing implementation throughout the school year, integrated with a school's curriculum, discipline policies, and violence prevention efforts.

For the 2009-2010 school year, the bill directs that a school district's Safe Schools funding is contingent and payable to the district upon DOE's approval of the district's bullying and harassment policy. The bill specifies that DOE shall approve a district's policy if it is in substantial conformity with DOE's model policy.

Beginning with the 2010-2011 school year, a school district's annual allocation of Safe Schools funding is contingent and payable to the district upon the district's compliance with requirements for submitting reports of bullying and harassment to DOE as part of the district's reports of safety and discipline data. The bill requires the Commissioner of Education to submit an annual report to the Governor and Legislature which includes data on the district reports of bullying and harassment.

The bill provides limited civil immunity for a school employee, volunteer, student, or parent who reports bullying or harassment in good faith.

The bill also includes a "severability clause" which provides that if a provision of the bill is found to be invalid, the validity of the bill's remaining provisions are not affected.

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

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DATE: 3/7/2008

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty: The bill prohibits bullying and harassment of public K-12 students and employees and establishes measures to prevent the substantial interference with a student's educational performance.

Empower Families: The bill requires a school district to regularly report to a victim's parents on the actions taken to protect the victim and notify a victim's parents of the local agencies where criminal charges may be filed against the perpetrator.

Maintain Public Security: The bill prohibits bullying and harassment of public K-12 students and employees.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

Current research presents various definitions of the term "bullying." For example:

- "Bullying can take many forms. It can be direct, indirect, physical, verbal, or psychological. The most commonly discussed forms are direct and indirect bullying.

##### *Direct Bullying* (face-to-face bullying)

- Verbal (name calling, put-downs, insults, harassment)
- Deliberately excluding certain people from groups and activities, or giving them the 'silent treatment'
- Physical (shoves, pushes, hitting, kicking, assault)
- Psychological ('dirty looks,' threats, coercion, extortion)

##### *Indirect Bullying* (bullying done behind someone's back)

- Gossip (lowering people's opinions of the victim)
- Excluding certain people from groups and activities
- Social aggression (includes things that damage a person's relationships with others, things like spreading untrue rumors about a person or telling others not be friends with someone)<sup>1</sup>

- Bullying is a "specific type of aggression in which:
  - 1) The behavior is intended to harm or disturb,
  - 2) There is an imbalance of power, with a more powerful person or group attacking a less powerful one, and
  - 3) The behavior occurs repeatedly over time."<sup>2</sup>

<sup>1</sup> National Youth Violence Prevention Resource Center, *Facts for Teens: Bullying 1* (2002), available at <http://hamfish.org/newsroom/bullying411.pdf>.

<sup>2</sup> Hamilton Fish Institute, George Washington University, *The 4-1-1 on Bullying 6* (September 2004) (citing the Mayo Clinic and the Journal of the American Medical Association), available at <http://hamfish.org/newsroom/bullying411.pdf>.

The United States Department of Education reports that, in 2005, 28 percent of students ages 12 to 18 reported having been bullied at school during the previous 6 months.<sup>3</sup> Of these students, 58 percent said that the bullying had happened once or twice during the period, 25 percent had experienced bullying once or twice a month, 11 percent reported having been bullied once or twice a week, and 8 percent said they had been bullied almost daily.<sup>4</sup>

Following a series of school shootings in the late 1990s, in which the shooters were reported to be victims of bullying at school, at least 29 states have enacted anti-bullying legislation: Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.<sup>5</sup>

The Florida Department of Education (DOE) reports that it conducted a poll of school districts to determine which districts have an anti-bullying policy. Sixty-three districts (approximately 87.5 percent) responded that they have an anti-bullying policy.<sup>6</sup> DOE reports that the general trend among the districts is not to adopt a separate anti-bullying policy but to include bullying as a violation of the code of student conduct and provide for disciplinary action.<sup>7</sup> DOE also reports that 31 school districts provide some definition of bullying.<sup>8</sup> In addition, 35 school districts are implementing various bullying prevention programs.<sup>9</sup>

#### Current Law:

Under current law, a district school board must adopt rules for the control and discipline of students.<sup>10</sup> A district school board must also adopt two codes of student conduct, one for elementary schools and another for middle and high schools.<sup>11</sup> A code of student conduct must be based on the school district's

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<sup>3</sup> U.S. Department of Education, National Center for Education Statistics, *Indicators of School Crime and Safety: 2007*, NCES 2007\_003, vi-vii (Dec. 2006), available at <http://nces.edu.gov/pubs2007/2007003.pdf>.

<sup>4</sup> *Id.* More current data are not yet available.

<sup>5</sup> Jennifer Downay, Education Commission of the State, *State Anti-Bullying Statutes* (Apr. 2005), available at <http://www.ecs.org/clearinghouse/60/41/6041.htm>; *Recent State Policies and Activities: Safety/Student Discipline-Bullying/Conflict Resolution*, available at <http://www.ecs.org.ecs/ecscat.nsf/webtopicview?openview&restricttocategory=safety/student+discipline--bullying/conflict+resolution> (last visited Mar. 3, 2008).

<sup>6</sup> DOE, *2008 Bill Analysis for HB 669* (Jan. 29, 2008).

<sup>7</sup> *Id.*

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

<sup>9</sup> DOE reports in *Bullying Programs in Florida Districts* (available at [http://www.fldoe.org/safeschools/bull\\_fl.asp](http://www.fldoe.org/safeschools/bull_fl.asp), last visited Mar. 3, 2008) the following implemented bullying prevention programs:

- Aggression Replacement Training (ART): Hernando and Indian River;
- Aggressors, Victims, Bystanders: Brevard, Collier, Columbia, DeSoto, Dixie, Escambia, Flagler, Glades, Lafayette, Levy, Manatee, Okaloosa, Palm Beach, Pinellas, Santa Rosa, Sarasota, St. Lucie, Union, and Volusia;
- Bullying Prevention (Olweus): Marion, Orange, Pasco, Pinellas, Sarasota, Seminole, and Sumter;
- Bullying Safe: Lee;
- Bully-Proofing Your School: Brevard and Volusia;
- Foundations: Creating Safe and Civil Schools: Clay and Duval;
- PATHS: Madison and Okaloosa;
- PeaceBuilders: Franklin and Gulf;
- Positive Action: Charlotte and Leon;
- Project ACHIEVE: Charlotte;
- Safe Schools Ambassadors: Seminole;
- Success in Stages: Build Respect, Stop Bullying: Union; and
- TRUST: Miami-Dade.

<sup>10</sup> Fla. Stat. § 1006.07(1)(a).

<sup>11</sup> Fla. Stat. § 1006.07(2).

rules governing student conduct and discipline; must be organized and written in language understandable to students and parents; and, among other things, must contain:<sup>12</sup>

- Consistent policies, specific grounds for disciplinary action, and disciplinary procedures;
- Explanation of a student's rights and responsibilities;
- Notice that violence against district school board personnel, disruptive behavior on a school bus or at a bus stop, or sexual harassment are grounds for disciplinary action;
- Notice that a student possessing a firearm or weapon at school, at a school function, or on school-sponsored transportation will be expelled; and
- Notice that a student making a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled.

In addition, current law and rules adopted by the State Board of Education require a district school board to adopt a zero-tolerance policy on school violence, crime, the use of weapons, substance abuse, and the victimization of students.<sup>13</sup>

A school district's code of student conduct may assign more severe disciplinary actions when the offender appears motivated by hostility toward the victim's real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.<sup>14</sup>

Further, current law prohibits discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education.<sup>15</sup> DOE requires educational institutions to create an educational and work environment free of harassment on the basis of race, sex, national origin or handicap.<sup>16</sup> The department specifies that an institution is responsible for all acts of harassment between fellow employees, fellow students, or by nonemployees, if the institution knew or should have known of the harassment and failed to take corrective action.<sup>17</sup>

A district school board is required to protect a student victimized by a violent crime from further victimization.<sup>18</sup> Except under certain circumstances, a student committing specified violent offenses is prohibited from attending the school attended by, or riding the school bus ridden by, the victim or the victim's sibling.<sup>19</sup> In addition, if a violent offense involves a victim, school officials are required to notify the victim, and the victim's parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender.<sup>20</sup>

Current law assigns specific duties for student discipline and school safety to certain school district personnel. The duties include:

- A district school superintendent recommends student discipline and school safety plans to the district school board.<sup>21</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> Fla. Stat. § 1006.13(1); Fla. Admin. Code Ann. r. 6A-1.0404(1).

<sup>14</sup> Fla. Admin. Code Ann. r. 6A-1.0404(5).

<sup>15</sup> Fla. Stat. § 1000.05(2)(a).

<sup>16</sup> Fla. Admin. Code Ann. r. 6A-19.008.

<sup>17</sup> *Id.*

<sup>18</sup> Fla. Stat. § 1006.13(1)(b).

<sup>19</sup> Fla. Stat. § 1006.13(5)(b) & (c).

<sup>20</sup> Fla. Admin. Code Ann. r. 6A-1.0404(6).

<sup>21</sup> Fla. Stat. § 1006.08(1).



- A school principal or designee develops policies for delegating to teachers, instructional staff, and school bus drivers the school's responsibility for control of students.<sup>22</sup> A school principal is directed to fully support the authority of a teacher or school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom or school bus.<sup>23</sup>
- A school principal must also submit reports to DOE on student discipline and school safety.<sup>24</sup> DOE compiles the reports and publicly reports the data through the School Environmental Safety Incident Reporting (SESIR) system.<sup>25</sup> The SESIR system collects data on 22 incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.
- A school bus driver is responsible for keeping order on the school bus and requiring good behavior from, and protecting, the students on the bus.<sup>26</sup>

### Safe Schools Funding:

Funding for Safe Schools is included in the Florida Education Finance Program (FEFP) as a categorical fund<sup>27</sup> and is appropriated by the Legislature through proviso language in the General Appropriations Act.<sup>28</sup> The Legislature allocated, as adjusted, \$76,617,665<sup>29</sup> for Safe Schools activities for the 2007-2008 school year.<sup>30</sup> The Safe Schools funds are allocated as follows:

- Each school district receives a \$74,483 base allocation for Safe Schools;<sup>31</sup>
- Two-thirds of the remaining balance is allocated based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement; and
- One-third is allocated based on each district's share of the state's total unweighted student enrollment.<sup>32</sup>

School districts may use Safe Schools funds for various activities, including:

- After-school programs for middle school students;
- Other improvements to enhance the learning environment, including implementation of conflict-resolution strategies;
- Alternative school programs for adjudicated youth;
- Suicide prevention programs; and
- Other improvements to make the school a safe place to learn.<sup>33</sup>

<sup>22</sup> Fla. Stat. § 1006.09(1)(a).

<sup>23</sup> *Id.*

<sup>24</sup> Fla. Stat. §§ 1001.54(3) & 1006.09(6).

<sup>25</sup> Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, at <http://www.firn.edu/doe/besss/sesir.htm> (last visited Mar. 3, 2008).

<sup>26</sup> Fla. Stat. § 1006.10(1) & (4).

<sup>27</sup> Fla. Stat. § 1001.62(6)(b)3.

<sup>28</sup> Specific Appropriation 86, *General Appropriations Act for Fiscal Year 2007-2008*, Chapter 2007-72, Laws of Florida.

<sup>29</sup> Upon completion of the 2007 Florida Legislative Session the allocation was \$77,150,000, with each school district receiving at least \$75,000. However, those figures were adjusted upon completion of the 2007 Florida Legislative Special Session C.; *Id.*

<sup>30</sup> Committee Substitute for Sen. Bill No. 6-C (F.E.F.P. is incorporated by reference), Chapter 2007-328, Law of Florida.

<sup>31</sup> *Id.*

<sup>32</sup> See *supra* note 28.

<sup>33</sup> *Id.*

### Proposed Changes:

The bill creates the "Jeffrey Johnston Stand Up for All Students Act."<sup>34</sup> The bill prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network.

### Definitions:

The bill provides definitions of the terms "bullying" and "harassment":

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public humiliation; or destruction of property.
- **Harassment:** Threatening insulting, or dehumanizing gesture, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.

The bill further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which reporting is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct substantially similar to bullying or harassment.

The bill also specifies that current statutory definitions for computer crimes<sup>35</sup> and stalking<sup>36</sup> apply to the provisions created by the bill.

### Model Policy:

The bill requires DOE to develop and provide to the school districts by October 1, 2008, a model policy prohibiting bullying and harassment.

### School District Policies:

The bill requires a school district, by December 1, 2008, to adopt a policy prohibiting bullying and harassment against a public K-12 student or employee. A school district's policy must be in substantial conformity to DOE's model policy and must:

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<sup>34</sup> In 2005, Jeffrey Johnson of Cape Coral, a victim of bullying and harassment from his classmates at Ida S. Baker High School in Lee County, committed suicide at the age of 15 years. See <http://jeffrejohnston.org> (last visited Mar. 3, 2008).

<sup>35</sup> Fla. Stat. § 815.03, defines terms used to proscribe computer-related crimes throughout the chapter. The defined terms, "access," "computer," "computer network," "computer software," "computer system," and "data" are among the terms used in the bill.

<sup>36</sup> The bill cross-references the definition of "cyberstalk" in Fla. Stat. § 784.048(1)(d). "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose."

*Enforcement:*

- Include definitions of “bullying” and “harassment,” which must include the definitions included in the bill;
- Establish procedures for reporting and investigating a report of bullying or harassment, including anonymous reporting (the bill prohibits disciplinary action based solely on anonymous reports);
- Prescribe standards of conduct for public K-12 students and employees, disciplinary actions for a student or employee who engages in bullying or harassment or who wrongfully and intentionally accuses another of bullying or harassment; and
- Establish procedures for referring bullying and harassment reports outside of the school district’s authority to the appropriate officials (the bill specifies that a reported act of bullying or harassment is deemed to be a school-related activity).

*Victim Services and Prevention:*

- Establish procedures for:
  - Referring victims and offenders of bullying or harassment to counseling;
  - Regular reporting to a victim’s parents on the actions taken to protect the victim;
  - Immediately notifying the parents of both the victim and offender of bullying or harassment, as well as all local agencies where criminal charges may be filed against the offender; and
  - Training students, parents, teachers, school administrators, counseling staff, and volunteers to identify, prevent, and respond to bullying and harassment.

*Statewide Reporting:*

- Establish procedures for including bullying and harassment in the school district’s student discipline and school safety reports submitted to DOE (currently through the School Environmental Safety Incident Reporting (SESIR) system).

The bill allows a school district to adopt separate discrimination policies for different categories of students but requires that all students have the same protection from bullying and harassment. The bill requires a school district to include students, parents, teachers, administrators, school staff, volunteers, community representatives, and local law enforcement agencies in the development of the bullying and harassment policy.

The bill requires the policy to be included in the district’s codes of student conduct and employee handbooks and requires ongoing implementation throughout the school year, integrated with a school’s curriculum, discipline policies, and violence prevention efforts.

Immunity for Reporting:

The bill provides:

A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district’s policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

### Computer Issues:

The bill prohibits a person charged with a disciplinary action under a school district's policy or other prosecution from raising the "physical location" or "time of access" of a computer-related incident as a defense to the charges. The bill also exempts a person who uses a computer, computer system, or computer network from violations of the bullying and harassment policies, when the person acts within the scope of lawful employment or investigates a bullying or harassment violation under the school district's policy.

### Contingency of Safe Schools Funds:

The bill provides that, for the 2009-2010 school year, a school district's Safe Schools funding "is contingent upon and payable to the school district upon [DOE's] approval of the school district's bullying and harassment policy." The bill specifies that DOE must approve a district's policy if it is in substantial conformity with the department's model policy.

The bill also requires that, each year beginning with the 2010-2011 school year, a school district's Safe Schools funding "shall be contingent upon and payable to the school district upon" the district's compliance with "all reporting procedures" in the bill, that is, submitting reports of bullying and harassment to DOE as part of the district's reports of safety and discipline data.<sup>37</sup>

### Annual Report to Governor and Legislature:

The bill requires the Commissioner of Education to report to the Governor and presiding officers of the Legislature by January 1 of each year on the implementation of policies prohibiting bullying and harassment, including reports of bullying and harassment submitted to DOE as part of the school districts' student discipline and school safety data.

### First Amendment:

The bill requires construction of its provisions consistent with the First Amendment to the United States Constitution.

### Severability Provision:

The bill provides that its provisions are severable. If any provision or the application thereof is held invalid, then the invalidity of the provision does not affect other provisions or applications of the bill which can be given effect without the invalid provision or application.

### Effective Date:

The bill provides that it takes effect upon becoming a law.

## C. SECTION DIRECTORY:

Section 1. Creates section 1006.147, Florida Statutes, which prohibits bullying and harassment of public K-12 students and employees.

Section 2. Provides a severability provision.

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<sup>37</sup> In paragraph (4)(k), a school district is required to submit student discipline and school safety reports to DOE (currently through the School Environmental Safety Incident Reporting (SESIR) system). The bill appears to make Safe Schools funding contingent upon the submission of these reports.

Section 3. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to DOE, the department "will be required to compile and aggregate the reported incidents of bullying and harassment, including those that do not meet the criteria of the prohibited act."<sup>38</sup>

DOE further reports,

the department will also be required to oversee the withholding of funds from any school district that did not comply with the act. Historically, safe schools funding has been provided through the FEFP with the following components:

- A lump sum distributed to each district, with the remainder distributed as follows:
- Two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement
- One-third based on each district's share of the state's total unweighted student enrollment.<sup>39</sup>

DOE indicates that the above-described workload increase can be absorbed by existing staff.<sup>40</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact the revenues of counties or municipalities.

2. Expenditures:

DOE notes in its analysis that,

An estimated 87.5 percent of school districts have adopted an anti-bullying policy similar to the requirements of the bill. [DOE] staff time would be required to evaluate whether a school district's adopted policy complies with the requirements of the bill. At a minimum, resources would have to be assigned to the training of staff about the anti-bullying policy adopted by the district pursuant to the requirements. The exact fiscal impact cannot be determined.<sup>41</sup>

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<sup>38</sup> DOE, *2008 Bill Analysis for HB 669* (Jan. 29, 2008).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Legislature allocated, as adjusted, \$76,617,665<sup>42</sup> for Safe Schools for fiscal year 2007-2008, including an allocation formula guaranteeing a school district at least \$74,483.<sup>43</sup> The bill requires the withholding of Safe Schools funds for noncompliance with reporting requirements. The withholding of Safe Schools funds may adversely affect other district safety and security activities

The bill requires school districts to adopt policies, revise codes of student conduct and employee handbooks, train employees, and revise reporting of student discipline and school safety data. DOE estimates that there would be costs associated with implementing these requirements but does not quantify an estimate.<sup>44</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not create new authority for rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In subsection (4) of section 1, the bill requires a school district to adopt a "policy prohibiting bullying and harassment." Subsection (5) of section 1 authorizes a district to establish separate "discrimination policies" that include categories of students. Since current law prohibits discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or employee in the state system of public K-20 education,<sup>45</sup> the bill is unclear whether it authorizes school districts to prohibit discrimination against new categories of students or whether it allows a school district to establish separate bullying and harassment policies for different categories of students (e.g., one policy for elementary school, a second policy for middle school, and a third policy for high school).

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<sup>42</sup> See *supra* note 29.

<sup>43</sup> DOE, *2008 Bill Analysis for HB 669* (Jan. 29, 2008).

<sup>44</sup> *Id.*

<sup>45</sup> Fla. Stat. § 1000.05(2)(a).

**D. STATEMENT OF THE SPONSOR**

Section (3) (b) page 2 line 49-52, of the bill, includes "use of data or computer software, or written, verbal, or physical conduct directed against a student." This addresses the concern of cyberbullying.

There is no fiscal impact as long as school districts comply with the law.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**











# The Florida House of Representatives

## SCHOOLS & LEARNING COUNCIL

MARCO RUBIO, *Speaker*

JOE PICKENS, *Council Chair*

COMMITTEE ON K-12

ANITERE FLORES, *Committee Chair*

# Teacher Professional Development Programs in Florida

Interim Project Report

January 2008

## SUMMARY



TEACHERS IN FLORIDA ARE REQUIRED TO complete professional development in order to renew their teaching certificates. School districts have developed professional development systems that provide teachers with opportunities to complete these recertification requirements through *inservice training* (continuing education for teachers after they have entered the teaching profession).

A 1997 study revealed that school district professional development systems were not effective in enhancing the skills and knowledge that teachers needed to improve student achievement. In 2001, the Florida Department of Education developed a system—commonly known as Florida's Protocol System—to evaluate the quality and effectiveness of school district professional development systems. The protocol system is structured to assess professional development systems against 66 state standards, which are based on state and federal requirements and national standards for staff development.

This report examines the changes that school district professional development systems have experienced since the 1997 study under the protocol system. The report finds that, although school districts vary significantly in how they organize their professional development systems, most districts have shown great improvement under Florida's Protocol System. The most improvement was demonstrated in the planning and delivery of inservice activities, but improvement is needed in the areas of follow-up

and evaluation of professional development programs. Rural school districts face unique challenges in evaluating inservice activities due to limitations in information technology and educational assessment staff.

The report finds that school districts set aside insufficient time for job-embedded training during a teacher's work schedule, compared to the training recommended by national standards.

The report finds that the state standards under the protocol system can be improved by emphasizing that teacher training should include challenging, differentiated content to meet teachers' varying needs and skill levels. The standards can also be improved to measure differences in inservice participation among elementary, middle, and high school teachers.

The report also identifies concerns about the 2006 merger of professional development funding into base school funding and addresses the difficulties that many school districts experience when reporting their expenditures for professional development.

In response to its findings, the report identifies several policy options for potential consideration by the Legislature.



## BACKGROUND

### State Inservice Requirements for Teacher Certification

Since 1988, Florida law has required teachers to complete inservice professional development as a condition of renewing their professional educator certificates.<sup>1</sup> Every five years, a teacher must earn at least six college credits or 120 inservice points (or a combination).<sup>2</sup> Of these credits or points, for each area of specialization, a teacher must complete at least three college credits or 60 inservice points in the specialization area.<sup>3</sup> If a teacher has more than four specialization areas, additional college credits or inservice points are required.<sup>4</sup> A specialization area may be renewed by passage (equivalent to three college credits) of the corresponding subject area test of the Florida Teacher Certification Examinations (FTCE).<sup>5</sup> The Florida Department of Education (DOE) accepts inservice points or college credit in the following areas for renewal of a professional certificate:

- ⇨ Content specific to the subject area;
- ⇨ Methods or education strategies specific to the subject area;
- ⇨ Computer literacy, computer applications, and computer education;
- ⇨ Exceptional Student Education (ESE);
- ⇨ English for Speakers of Other Languages (ESOL);
- ⇨ Drug abuse, child abuse and neglect, or student dropout prevention;
- ⇨ Training related to the goals of the Florida K-20 education system, such as:
  - ⇨ **Content.** English, economics, mathematics, science, social sciences, foreign languages, humanities, global economy, technology, ecology, first aid, health, or safety;

<sup>1</sup> Section 5, ch. 86-156, *Laws of Florida* (1986) (effective July 1, 1988); former § 231.24(2)(a)1., *Florida Statutes* (1988).

<sup>2</sup> Section 1012.585(3)(a), *Florida Statutes* (2007).

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

<sup>4</sup> Section 1012.585(3)(c), *Florida Statutes* (2007); Bureau of Educator Certification, Florida Department of Education, *Florida Educator Certification Renewal Requirements* (2005) [hereinafter *Educator Certification*].

<sup>5</sup> Section 1012.585(3)(b), *Florida Statutes* (2007); rules 6A-4.0021 & 6A-4.0051(1)(b), *Florida Administrative Code* (2007).

- ⇨ **Classroom Strategies.** Cooperative learning, problem-solving skills, critical-thinking skills, classroom management, child development, collaboration techniques for working with families, social services, child guidance and counseling, teaching reading, or educational assessments;
- ⇨ **School Administration Accountability.** Instructional design, leadership skills, school and community relations, school finance, school facilities, school law, or school organization; and
- ⇨ **Vocational and Adult Education Accountability.** Adult learning, principles of adult or vocational education, vocational education for students with special needs, or vocational guidance.<sup>6</sup>

### Florida's School Community Professional Development Act

In 1995, the Legislature enacted the *School Community Professional Development Act*.<sup>7</sup> The act and its subsequent revisions establish the state's expectations for each school district's professional development system. The act requires a school district to develop a professional development system in consultation with teachers, state university and community college faculty, representatives of business and the community, local education foundations, regional educational consortia, and professional organizations. The state's professional development system must align to standards adopted by the National Staff Development Council,<sup>8</sup> and each school district's professional development system must:

- ⇨ Be approved by DOE (substantial revisions must also be submitted to DOE);
- ⇨ Be based on analyses of student achievement data and instructional strategies that support rigorous, relevant, and challenging curricula for all students;
- ⇨ Provide inservice activities with follow-up support for accomplishing district-level and school-level improvement goals and standards;

<sup>6</sup> *Educator Certification*, *supra* note 4.

<sup>7</sup> Section 1, ch. 95-236, *Laws of Florida* (1995); former § 231.600, *Florida Statutes* (1995).

<sup>8</sup> Section 1012.98(1), *Florida Statutes* (2007).

- ↔ Include a master inservice plan for all school district employees and fund sources;
- ↔ Require school principals to establish and maintain individual professional development plans (IPDPs) for each instructional employee;
- ↔ Provide for delivery of professional development by distance learning and other technology-based delivery systems; and
- ↔ Provide for the continuous evaluation of professional development based on teacher performance and student achievement.<sup>9</sup>

**Inservice Activities.** A school district's inservice activities for instructional personnel must focus on the following eight categories:

- ↔ Analysis of student achievement data;
- ↔ Ongoing formal and informal assessments of student achievement;
- ↔ Identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas;
- ↔ Enhancement of subject content expertise;
- ↔ Integration of classroom technology that enhances teaching and learning;
- ↔ Classroom management;
- ↔ Parent involvement; and
- ↔ School safety.<sup>10</sup>

**Master Inservice Plans.** Each school district must annually update and submit to DOE a master inservice plan. A master inservice plan must be approved by the district school board, be aligned to school-based inservice plans and school improvement plans, and be based on:

- ↔ Input from teachers and from school district and school instructional leaders; and
- ↔ The latest available student achievement data and research.<sup>11</sup>

**Individual Professional Development Plans.** A school principal must establish and maintain an individual professional development plan (IPDP, commonly called an "ippy dippy") for each instructional employee assigned to the school. Each

IPDP must define inservice objectives and expected improvements in student achievement which result from meeting the objectives.<sup>12</sup>

#### LEGISLATIVE HIGHLIGHTS

- 1995 ↔ Florida's *School Community Professional Development Act* becomes law (Section 231.600, *Florida Statutes*).<sup>13</sup>
- 1998 ↔ Professional development activities must include follow-up support.<sup>14</sup>
- 1999 ↔ Schools must use student achievement data to identify professional development needs.<sup>15</sup>
  - ↔ School districts must continuously evaluate the effectiveness of professional development programs based on teacher performance and student achievement.<sup>16</sup>
  - ↔ *General Appropriations Act* earmarked \$34 million for teacher training but conditioned a school district's allocation on DOE's approval of the district's professional development system and a requirement that school principals must establish and maintain an individual professional development plan (IPDP) for each instructional employee.<sup>17</sup>
- 2000 ↔ School district professional development systems and substantial revisions must be approved by DOE.<sup>18</sup>
  - ↔ School districts must annually submit a master inservice plan to DOE.<sup>19</sup>
  - ↔ School principals must establish and maintain an IPDP for each instructional employee.<sup>20</sup>
- 2002 ↔ Florida K-20 Education Code becomes law. *School Community Professional Development Act* is assigned a new statute number (Section 1012.98, *Florida Statutes*). Former statute is repealed.<sup>21</sup>
- 2003 ↔ School district inservice activities must include parent involvement.<sup>22</sup>

<sup>9</sup> Section 1012.98(4)(b), *Florida Statutes* (2007).

<sup>10</sup> Section 1012.98(4)(b)3., *Florida Statutes* (2007).

<sup>11</sup> Section 1012.98(4)(b)4., *Florida Statutes* (2007).

<sup>12</sup> Section 1012.98(4)(b)5., *Florida Statutes* (2007).

<sup>13</sup> Section 1, ch. 95-236, *Laws of Florida* (1995); former § 231.600, *Florida Statutes* (1995).

<sup>14</sup> Section 10, ch. 98-281, *Laws of Florida* (1998); former § 231.600(4)(b)2., *Florida Statutes, 1998 Supplement* (1998).

<sup>15</sup> Section 60, ch. 99-398, *Laws of Florida* (1999); former § 231.600(4)(b)1., *Florida Statutes* (1999).

<sup>16</sup> Former § 231.600(4)(b)5., *Florida Statutes* (1999).

<sup>17</sup> Specific Appropriation 117B, § 2, ch. 99-226, *Laws of Florida* (1999).

<sup>18</sup> Section 48, ch. 2000-301, *Laws of Florida* (2000); former § 231.600(4)(b)1., *Florida Statutes* (2000).

<sup>19</sup> Former § 231.600(4)(b)4., *Florida Statutes* (2000).

<sup>20</sup> Former § 231.600(4)(b)5., *Florida Statutes* (2000).

<sup>21</sup> Sections 789 and 1058, ch. 2002-387, *Laws of Florida* (2002); § 1012.98, *Florida Statutes* (2002).

<sup>22</sup> Section 10, ch. 2003-118, *Laws of Florida* (2003); § 1012.98(4)(b)3., *Florida Statutes* (2003).

## LEGISLATIVE HIGHLIGHTS

- 2006 ⇌ Florida's professional development system must align to standards adopted by the National Staff Development Council.<sup>23</sup>
- ⇌ Inservice activities must support school improvement plans and increase professional collaboration among educators.<sup>24</sup>
- ⇌ School district's master inservice plan must be approved by school board, be aligned to school-based inservice plans and school improvement plans, and be based on input from educators and most recent research and student achievement data.<sup>25</sup>

## National Staff Development Standards

Florida law requires that the state's professional development system be aligned to standards adopted by the National Staff Development Council (NSDC).<sup>26,27</sup> In 1995, NSDC adopted national standards for staff development, which it revised in 2001.<sup>28</sup> The revised standards are organized into context, process, and content standards. The *context* standards focus on the learning environment available to teachers in their schools. The *process* standards address the selection of strategies for helping teachers learn. The *content* standards relate to the knowledge and skills that teachers need to improve student achievement.<sup>29</sup>

**Context Standards.** NSDC's context standards advocate a working environment for teachers which is distinguished by a school culture that emphasizes collective responsibility for student learning. Teachers are organized into ongoing teams that assist each other in joint lesson planning, reviewing student achievement standards, assessing student

performance, observing each other in the classroom, and group problem solving. The team's objective is to continuously improve the content knowledge, skills, and instructional techniques of the team in order to increase student achievement. School and school district administrators are encouraged to support the teacher teams by:

- ⇌ Organizing schools and adopting policies to support ongoing professional development; and
- ⇌ Ensuring that academic calendars, daily schedules, employment contracts, and school budgets allow teachers enough time for learning and collaboration with colleagues as part of their workday.<sup>30</sup>

NSDC recommends that school districts allocate at least 10 percent of their budgets to staff development and that at least 25 percent of a teacher's work time be used for learning and collaboration.<sup>31</sup>

## CONTEXT STANDARDS

- ⇌ **LEARNING COMMUNITIES:** Organize adults into learning communities whose goals are aligned with those of the school and school district;
- ⇌ **LEADERSHIP:** Require skillful school and school district leaders who guide continuous instructional improvement; and
- ⇌ **RESOURCES:** Require resources to support adult learning and collaboration.

SOURCE: National Staff Development Council (2001).<sup>32</sup>

**Process Standards.** NSDC's process standards emphasize that the design and evaluation of professional development should be based on student data, including data from standardized tests and student work samples. Student data are commonly collected from other sources, including norm-referenced and criterion-referenced tests, grade promotion and retention statistics, high school graduation rates, and disciplinary reports. NSDC recommends that student data be used to determine the content—and evaluate the effectiveness—of professional development. The standards also encourage that data from teacher-made tests, class assignments, student portfolios, and other evidence of student learning be used by teachers to evaluate whether their professional development activities are

<sup>23</sup> Section 62, ch. 2006-74, *Laws of Florida* (2006); § 1012.98(1), *Florida Statutes* (2006).

<sup>24</sup> Section 1012.98(3)(a), *Florida Statutes* (2006).

<sup>25</sup> Section 1012.98(4)(b)4., *Florida Statutes* (2006).

<sup>26</sup> The National Staff Development Council (NSDC) is a nonprofit professional association headquartered in Oxford, Ohio. NSDC expresses that it is committed to ensuring success for all students through staff development and school improvement. See National Staff Development Council, at <http://www.nsd.org> (last visited Dec. 28, 2007).

<sup>27</sup> Section 1012.98(1), *Florida Statutes* (2007).

<sup>28</sup> National Staff Development Council, *Standards for Staff Development, Revised Edition* (2001) [hereinafter *NSDC Standards*].

<sup>29</sup> National Staff Development Council, *Powerful Designs for Professional Learning 11* (Lois Brown Easton ed., 2004) [hereinafter *NSDC Powerful Designs*].

<sup>30</sup> *NSDC Standards*, *supra* note 28, at 1-3

<sup>31</sup> *Id.* at 3.

<sup>32</sup> *Id.*

assisting them in improving student achievement. Professional development programs must accordingly train teachers in classroom assessment, data collection, data analysis, and data-driven planning and evaluation.<sup>33</sup>

As presented in NSDC's process standards, teachers and administrators should evaluate professional development programs to determine whether they result in increased student achievement, thereby facilitating the improvement of training efforts. In addition to surveying the initial reactions of teachers to professional development, the standards suggest that teachers and administrators evaluate:

- ↔ The teachers' learning of new knowledge and skills;
- ↔ How the new knowledge and skills affected their teaching;
- ↔ How the changes in teaching affected student achievement; and
- ↔ How the professional development affected school culture and organization.<sup>34</sup>

In designing professional development, NSDC recommends that teachers and administrators select research-based improvement strategies after evaluating the scientific rigor of the research. Professional development should encourage discussion among teachers, group problem solving, and classroom demonstrations, and give teachers many opportunities to practice new skills and receive performance feedback until the skills become a routine part of their teaching.<sup>35</sup>

The process standards promote professional development designed in recognition of teachers having different learning styles. Beyond training sessions, workshops, courses, and group presentations, effective professional development uses various adult learning strategies, including:

- ↔ Teachers and administrators working together in designing lessons, examining student work, analyzing data, and developing curriculum;
- ↔ Classroom demonstrations of new instructional strategies; and

<sup>33</sup> *Id.* at 4.

<sup>34</sup> *Id.* at 5.

<sup>35</sup> *Id.* at 6.

- ↔ "Mentoring,"<sup>36</sup> "peer coaching,"<sup>37</sup> "action research,"<sup>38</sup> and "study groups."<sup>39</sup>

NSDC acknowledges that, in addition to traditional face-to-face programs, information technology allows effective professional development to be delivered through video, CD-ROMs, email, the Internet, and other distance-learning processes.<sup>40</sup>

#### PROCESS STANDARDS

- ↔ **DATA-DRIVEN:** Use disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement;
- ↔ **EVALUATION:** Use multiple sources of information to guide improvement and demonstrate its impact;
- ↔ **RESEARCH-BASED:** Prepare educators to apply research to decision making;
- ↔ **DESIGN:** Use learning strategies appropriate to the intended goal;
- ↔ **LEARNING:** Apply knowledge about human learning and change; and
- ↔ **COLLABORATION:** Provide educators with the knowledge and skills to collaborate.

SOURCE: National Staff Development Council (2001).<sup>41</sup>

**Content Standards.** NSDC's content standards recommend that teachers use ongoing assessments of student achievement to identify the needs of their students and, consequently, select professional development that strengthens themselves in areas in which instructional changes are needed to improve student performance. The standards propose that professional development activities deepen teachers' understanding of their subject areas, appropriate instructional methods, and techniques for student

<sup>36</sup> "Mentoring—intended to provide newcomers guidance, problem solving resources, modeling, support, and feedback—offers beginning teachers and those new to a district a professional lifeline." *NSDC Powerful Designs, supra* note 29, at 150.

<sup>37</sup> "Peer coaching is a confidential process in which two or more professional colleagues work together to reflect on current practices; expand, refine, and build new skills; share ideas; teach one another; conduct classroom research; or solve problems in the workplace." *NSDC Powerful Designs, supra* note 29, at 164.

<sup>38</sup> "Action research is a process through which participants examine their own educational practice, systematically and carefully, using research techniques." *NSDC Powerful Designs, supra* note 29, at 54.

<sup>39</sup> "Study groups are a form of job-embedded professional learning and informal research in which teachers and/or staff members meet at school by grade levels, departments, or special needs. Participants may read, research, and share knowledge about professional development needs of the individual or schools." *NSDC Powerful Designs, supra* note 29, at 218.

<sup>40</sup> *NSDC Standards, supra* note 28, at 7.

<sup>41</sup> *Id.*

assessment. Professional development activities should allow teachers to learn new instructional approaches and assessment strategies and observe classroom demonstrations of the techniques. Following workshops or courses, teachers should practice the newly acquired techniques with their students. Teachers should receive support for follow-up from their colleagues who provide classroom coaching.<sup>42</sup>

In addition, the standards recommend that teachers receive professional development in other areas that facilitate student performance, such as classroom management and information technology. Professional development should be designed to assist teachers in understanding the individual differences among students which affect learning, including general cognitive and social/emotional characteristics, race, social class, cultural backgrounds, and primary languages other than English. NSDC advocates that professional development programs train teachers to understand and effectively communicate with parents and families and show sensitivity to ways in which parents and families may be appropriately involved in school.<sup>43</sup>

#### CONTENT STANDARDS

- <=> **EQUITY:** Prepare educators to understand and appreciate all students; create safe, orderly, and supportive learning environments; and hold high expectations for their academic achievement;
- <=> **QUALITY TEACHING:** Deepen educators' content knowledge, providing them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepare them to use various types of classroom assessments appropriately; and
- <=> **FAMILY INVOLVEMENT:** Provide educators with knowledge and skills to involve families and other stakeholders appropriately.

SOURCE: National Staff Development Council (2001).<sup>44</sup>

## Florida's 1997 Staff Development Evaluation Study

In response to a 1996 legislative directive that DOE review all state-funded "educational in-service training ... and all other training efforts and recommend any changes needed,"<sup>45</sup> Commissioner of Education Frank T. Brogan selected Bruce Joyce, Ph.D., to conduct an evaluation study of professional development in the state. Dr. Joyce is a recognized international authority on the connection between staff development and student achievement. Dr. Joyce completed the study, and DOE published his report in September 1997.<sup>46</sup> In the report, Dr. Joyce outlined the historical foundations of education in the United States.<sup>47</sup> In the mid-19th century, he explained, preservice teacher education began to develop, but, after a brief period of preservice education, "teachers were assigned to classrooms where they worked in virtual isolation, albeit under a common physical roof."<sup>48</sup> He described that "[i]nstructional duties were to consume the day." "No time was set aside in the workday for either staff development or collaborative planning, let alone school renewal."<sup>49</sup>

Dr. Joyce observed that, traditionally, the culture of school faculties reflected the view that "teaching was considered to be an individual pursuit, rather than a collective activity."<sup>50</sup> He described the prevailing view that "society envisioned a barebones, static curriculum that would change very little over the course of a career in education, so continuing education of teachers" was not deemed necessary.<sup>51</sup> Dr. Joyce recognized that, in the 1970s, policymakers began their first investments in staff development and school renewal, but, he explained that the "basic structure of the school was unchanged."<sup>52</sup>

The evaluation study of Florida's professional development systems included interviews with 20 staff from DOE, 100 school district administrators from eight school districts (four

<sup>45</sup> Specific Appropriation 80, § 2, ch. 96-424, *Laws of Florida* (1996).

<sup>46</sup> Bruce R. Joyce & Ava G. Byrne, *Creating a Staff Development System: Report on the Florida Staff Development Evaluation Study, Submitted by Frank T. Brogan, Commissioner of Education* (Florida Department of Education 1997).

<sup>47</sup> *Id.* at 9-11.

<sup>48</sup> *Id.* at 9-10.

<sup>49</sup> *Id.* at 10.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 10-11.

<sup>42</sup> *Id.* at 11.

<sup>43</sup> *Id.* at 10 & 12.

<sup>44</sup> *Id.*



urban and four less-densely populated), and 50 school administrators and 180 teachers from 29 schools (16 elementary and 13 high and middle).<sup>53</sup> Based on the interviews and the review of various documents, Dr. Joyce observed that:

- ↔ The culture of school faculties in Florida was fairly traditional—teachers generally worked independently with limited collaboration;<sup>54</sup>
- ↔ School faculties did not meet regularly as a whole, and faculty committees responsible for school improvement or professional development maintained the norms of teacher autonomy and did not expect to see collective action in their schools;<sup>55</sup>
- ↔ A teacher’s workweek was not structured to provide regular time for participation in professional development or school renewal activities;<sup>56</sup> and
- ↔ Teachers made individual choices in selecting professional development offerings in nearly all schools.<sup>57</sup>

Dr. Joyce characterized the state’s professional development systems as a “pastiche”<sup>58</sup> made up of offshoots from many initiatives.<sup>59</sup> He explained that school district central offices were organized into various divisions, several of which received funding for, and offered, inservice training for teachers. These divisions typically included the staff development office, curriculum and instruction office, English for Speakers of Other Languages (ESOL) office, Exceptional Student Education (ESE) office, and information technology office.

Because school districts lacked an “overarching system” of professional development, teachers selected inservice offerings based on personal preferences, and schools lacked workplace-embedded support for professional development

(time to study and collegial arrangements to ensure transfer),<sup>60</sup> Dr. Joyce argued that:

- ↔ Divisions within school districts were forced to compete for the attendance of teachers at their inservice workshops;<sup>61</sup>
- ↔ Competition for teacher attendance resulted in professional development activities being too brief and scattered;<sup>62</sup>
- ↔ Most professional development offerings were introductory (“awareness level”) and generally comprised generic teaching practices;<sup>63</sup> and
- ↔ Very few offerings included instructional techniques outside the typical range of curricular and instructional strategies possessed by most teachers.<sup>64</sup>

Finally, Dr. Joyce found virtually no instances of inservice workshops being evaluated to determine whether the instructional techniques and subject content taught in the workshops were being implemented in the classroom, nor was any expectation voiced that professional development would cause a significant change in classroom practice.<sup>65</sup> In the absence of implementation data, he explained, workshop organizers did not have information on which they could rely in order to modify the workshops to improve their effectiveness.<sup>66</sup>

Dr. Joyce recommended a systemic change in the organization of schools to create a workplace for teachers that ensures “life-long learning or a collaborative, collegial, self-renewing culture in schools.”<sup>67</sup> He recommended the creation of a professional development system in which:

- ↔ All teachers engage in the regular study of curriculum and instruction;
- ↔ The content of professional development has a high probability of improving student achievement;

<sup>53</sup> *Id.* at 3.

<sup>54</sup> *Id.* at 25.

<sup>55</sup> *Id.* at 26-27.

<sup>56</sup> *Id.* at 16.

<sup>57</sup> *Id.* at 26-27.

<sup>58</sup> A “pastiche” is defined as:

1. A dramatic, literary, or musical piece openly imitating the previous works of other artists, often with satirical intent.
2. A pasticcio of incongruous parts; a hodgepodge.

*American Heritage Dictionary of the English Language* 1286 (4th ed., Houghton Mifflin 2000).

<sup>59</sup> Joyce & Byrne, *supra* note 46, at 4.

<sup>60</sup> *Id.* at 14 & 24.

<sup>61</sup> *Id.* at 15.

<sup>62</sup> *Id.* at 6.

<sup>63</sup> *Id.* at 20 & 22.

<sup>64</sup> *Id.* at 22.

<sup>65</sup> *Id.* at 22.

<sup>66</sup> *Id.* at 21.

<sup>67</sup> *Id.* at 9.

- ⇄ The design of professional development includes elements that ensure transfer to the classroom; and
- ⇄ All schools become self-renewing organizations in which teachers continuously conduct data-based study of the school's condition, identify changes in curriculum and instruction based on the data, and study the effects of changes in their teaching on student achievement.<sup>68</sup>

To create a professional development system that realized this model, Dr. Joyce recommended that:

- ⇄ School districts improve the coordination of professional development systems at the district level;<sup>69</sup>
- ⇄ Teacher work schedules be changed to provide additional time (e.g., two-hour block per week after instructional hours) for professional development, onsite follow-up (peer coaching), and school renewal planning and coordination;
- ⇄ Training on curriculum and instruction comprise new instructional methods determined likely to increase student achievement;
- ⇄ Introductory ("awareness") level training be offered through high-quality distance learning programs (e.g., electronic media), with school principals organizing their faculties to supplement media programs with face-to-face instruction;
- ⇄ Principals structure faculty assignments to allow follow-up after training using peer coaching and study groups;
- ⇄ Principals lead their faculties in "action research,"<sup>70</sup> including student data collection and analysis, selection of curricular and instructional training based on the student data, and organization of their faculties into problem-solving groups; and
- ⇄ School districts provide training and support for principals to accomplish these objectives.<sup>71</sup>

<sup>68</sup> *Id.* at 55.

<sup>69</sup> *Id.* at 51.

<sup>70</sup> Dr. Joyce defined "action research" as an "organizational process where teachers and community members make a data-based study of the condition of the school, select areas of curriculum and instruction to change by implementing additions to repertoire, and study the effects on student learning." *Id.* at 59; *cf. supra* note 38 ("action research").

<sup>71</sup> Joyce & Byrne, *supra* note 46, at 51, 55-57.

In sum, Dr. Joyce predicted that "[i]mprovements in [Florida's] staff development system w[ould] be minor and incremental until the school is redesigned as a workplace where regular study and time for collegial school improvement is built into it."<sup>72</sup>

## Florida's Protocol System

In 2000, the Legislature required that each school district's professional development system—and substantial revisions to each system—be approved by DOE.<sup>73</sup> In response, DOE's Bureau of Educator Recruitment, Development, and Retention contracted with Evaluation Systems Design, Inc. (ESDI) to develop a comprehensive system for evaluating school district professional development systems. In 2001, ESDI conducted a comprehensive study of professional development in relation to the requirements of the *School Community Professional Development Act*. To develop the system, ESDI used its study results and input from school district staff development directors, regional educational consortia, principals, teachers, and university faculty involved in preservice and inservice education. A 2001 pilot study was also conducted in which teams of consultants applied draft standards in evaluating the professional development systems of six school districts. The school districts were selected to be representative of the state based on geography and size (student enrollment). The pilot system was approved by DOE and officially named the *Florida Professional Development System Evaluation Protocol* (commonly known as "Florida's Protocol System").<sup>74</sup> The protocol system:

- ⇄ Includes a set of 66 standards reflecting legal requirements and research-based professional development practices;
- ⇄ Requires site visits to school districts using teams of trained experts in professional development;

<sup>72</sup> *Id.* at 14.

<sup>73</sup> Section 48, ch. 2000-301, *Laws of Florida* (2000).

<sup>74</sup> Constance C. Bergquist, *Encouraging Systemic Changes in Professional Development: A Short Summary of Florida's Evaluation Protocol System 1* (2006) [hereinafter *Protocol System Short Summary*]; Constance C. Bergquist, *Florida Department of Education, Professional Development System Evaluation Protocol, Cross-District Analysis, First Cycle Technical Report 1* (2006) [hereinafter *Protocol System First-Cycle Report*].

- ↔ Establishes methods for DOE to identify best practices when data indicates progress, or to investigate the causes of a lack of progress; and
- ↔ Provides for technical assistance to school districts for improving their professional development systems.<sup>75</sup>

**Protocol Standards.** Florida’s Protocol System comprises 66 standards used to evaluate school district professional development systems. The standards are based on requirements in Florida law and the *NSDC Standards for Staff Development*.<sup>76</sup> Florida’s protocol standards assess three levels (faculty, school, and district) of the professional development system and four strands (planning, delivery, follow-up, and evaluation) within each level.<sup>77</sup>

STRUCTURE OF PROTOCOL STANDARDS			
<b>1.0 Faculty Level</b>			
1.1 Planning	1.2 Delivery	1.3 Follow-up	1.4 Evaluation
<b>2.0 School Level</b>			
2.1 Planning	2.2 Delivery	2.3 Follow-up	2.4 Evaluation
<b>3.0 District Level</b>			
3.1 Planning	3.2 Delivery	3.3 Follow-up	3.4 Evaluation

SOURCE: Florida Department of Education (2006).<sup>78</sup>

**Planning Standards.** The planning standards are designed to ensure adequate preparation at all levels in determining what professional development is needed and will be delivered. At the faculty level, the planning that teachers and administrators conduct when establishing individual professional development plans (IPDPs) for teachers is examined. The school level focuses on school improvement and using professional development to implement change. Planning at the district level involves the

gathering and sharing of information across all three levels.<sup>79</sup>

**Delivery Standards.** The delivery standards require assessment of the quality of a school district’s professional development system. The delivery strand includes standards at all three levels (faculty, school, and district) with regard to the relevance of professional development, use of appropriate learning strategies, sustained training, use of technology, adequate time and funding resources, and coordination of participation records. The district level includes two additional standards: leadership development and using professional development to create opportunities for employees to be promoted along a career path within the school district.<sup>80</sup>

**Follow-Up Standards.** At the faculty, school, and district levels, the follow-up standards address the need for schools and school districts to ensure that teachers use the skills and knowledge learned from professional development as part of their instructional practice. The follow-up standards also examine the extent to which faculties, schools, and school districts use coaching or mentoring programs and use web-based resources to assist teachers as they prepare lesson plans and practice new instructional techniques in their classrooms. In addition, a district-level delivery standard requires review of the school district’s coordination of follow-up in professional development activities.<sup>81</sup>

**Evaluation Standards.** The evaluation standards call for the review of the effectiveness of professional development. At the faculty level, the standards create benchmarks for the evaluation by teachers and administrators of a teacher’s individual professional development plan (IPDP). The school level concentrates on the school’s evaluation of professional development as part of the school’s improvement process. School-level standards establish expectations for a school principal’s or administrator’s evaluation of IPDPs. District-level evaluation involves the systemwide examination of

<sup>75</sup> Bureau of Educator Recruitment, Development and Retention, Florida Department of Education, *Professional Development System Evaluation Protocol, Protocol System Second Cycle 2006-07 2* (2006) [hereinafter *Protocol System*].

<sup>76</sup> In 2006, the Legislature amended the *School Community Professional Development Act* to require that the professional development system align to standards adopted by the National Staff Development Council. Section 62, ch. 2006-74, *Laws of Florida* (2006); § 1012.98(1), *Florida Statutes* (2007).

<sup>77</sup> *Protocol System*, *supra* note 75, at 2, 5-6.

<sup>78</sup> *Id.* at 6.

<sup>79</sup> *Protocol System First-Cycle Report*, *supra* note 74 at 24.

<sup>80</sup> *Id.* at 27.

<sup>81</sup> *Id.* at 30.

the implementation and effectiveness of professional development activities.<sup>82</sup>

#### PROTOCOL QUESTIONS

Florida's Protocol System addresses these general questions:

- ⇌ **PLANNING:** What planning occurs to organize and support the professional development for teachers?
- ⇌ **DELIVERY:** How and how well is the professional development delivered to teachers?
- ⇌ **FOLLOW-UP:** What follow-up is provided to ensure that teachers apply the skills and knowledge gained through the delivered professional development?
- ⇌ **EVALUATION:** What evaluation occurs to ensure that the professional development resulted in teacher application in the classroom and improvements in student learning as a direct outcome?

SOURCE: Florida Department of Education (2006).<sup>83</sup>

**Site Visits.** Reviews of school district professional development systems are conducted onsite. At the district level, site reviews comprise interviews and reviews of existing documents, including:

- ⇌ Interviews with school district staff, including staff development directors, curriculum and instruction directors, and assessment directors;
- ⇌ Reviews of student achievement data, school improvement plans, surveys of teachers about their professional development needs, performance evaluations of teachers and administrators, budget and expenditure records; and
- ⇌ Memoranda and directives to school principals and teachers about the school district's policies and procedures on professional development.<sup>84</sup>

Site reviews also include visits to selected schools. Schools are chosen based on grade level (elementary, middle, and high), size (student enrollment), and demographic characteristics. In addition, unless a school district has a very large number of schools, every "F" school is visited. In school districts with a larger number of schools, within these selection criteria, site visits are generally determined by random selection. In smaller school

districts, to obtain a representative sample, it is possible that every school may be visited.<sup>85</sup>

During each school site visit, the review team interviews the school principal and selected teachers. The review team also examines the school's improvement plan, individual professional development plans (IPDPs), training manuals, training agendas, budget records, and other documents.<sup>86</sup>

**Review Teams.** Site reviews are conducted by teams of trained reviewers for three to five days per site visit. Reviewers include DOE staff, professional development staff from other school districts, regional educational consortia staff, university and community college faculty, and ESDI's staff. Each team member must complete training on how to conduct the evaluations and they must achieve inter-rater reliability before participating on a review team. Team leaders must have previous experience in conducting site visits.<sup>87</sup>

**Reports and Action Plans.** Upon completing a site visit, the review team issues a report of its findings. The report includes a rating for each of the protocol system's 66 standards based on a four-point scale ranging from excellent (4.0) to unacceptable (1.0). The midpoint of the scale is 2.5. A rating of 3.5 or greater on a standard is identified as exemplary and commended. If a school district receives a rating below marginal (2.0) on any standard, the district must submit an action plan to DOE describing ways in which the district will improve implementation of the standard.<sup>88</sup>

<sup>82</sup> *Id.* at 32.

<sup>83</sup> *Protocol System, supra* note 75, at 6.

<sup>84</sup> *Protocol System Short Summary, supra* note 74, at 3-4.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 4.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 4; *Protocol System First-Cycle Report, supra* note 74, at 2.

**PROTOCOL RATING SCALE**

Florida's Protocol System is based on a four-point rating scale:

- 4.0 EXCELLENT:** Pervasive evidence that the school district is implementing the standard (observed in almost all faculty and schools, almost all components of the standard).
- 3.0 GOOD:** Considerable evidence that the school district is implementing the standard (observed in many faculty and schools, many components of the standard).
- 2.0 MARGINAL:** Some but inconsistent evidence that the school district is implementing the standard (observed in a few faculty or schools, a few components of the standard).
- 1.0 UNACCEPTABLE:** Little or no evidence that the school district is implementing the standard.

SOURCE: Florida Department of Education (2006).<sup>89</sup>

**Review Cycle.** The protocol system was initially established with a five-year review cycle. The review teams conducted the first round of 16 reviews in spring 2003 and the 2003-2004 school year. DOE subsequently changed the review cycle to three years. Reviews of the remaining 51 school districts were completed in two additional rounds: 25 reviews during the 2004-2005 school year and 26 reviews during the 2005-2006 school year.<sup>90</sup> A final report on the first-cycle reviews was submitted in summer 2006.<sup>91</sup> The second cycle of reviews has begun, and 20 school district reviews were completed during the 2006-2007 school year.<sup>92</sup> A preliminary report on the first round of second-cycle reviews was submitted in August 2007.<sup>93</sup>

DOE's Bureau of Educator Recruitment, Development, and Retention oversees the protocol system with a staff of four full-time equivalent (FTE) positions, a contract with ESDI of approximately \$150,000 per year, plus a budget for per diem and travel expenses for the review teams conducting the site visits.

<sup>89</sup> Bureau of Educator Recruitment, Development and Retention, Florida Department of Education, *Professional Development System Evaluation Protocol, Reviewer's Guide, Second Cycle 2006-2007 2* (2006) [hereinafter *Protocol System Reviewer's Guide*].

<sup>90</sup> *Protocol System Short Summary*, supra note 74, at 4; *Protocol System First-Cycle Report*, supra note 74, at 2.

<sup>91</sup> See *Protocol System First-Cycle Report*, supra note 74.

<sup>92</sup> Constance C. Bergquist, Florida Department of Education, *Professional Development System Evaluation Protocol, Cross-District Analysis 2006-07 Technical Report 1* (2007) [hereinafter *Protocol System Second-Cycle Report*].

<sup>93</sup> *Id.*

**Regional Educational Consortia**

Florida law authorizes school districts with 20,000 or fewer unweighted full-time equivalent (FTE) students, developmental research (laboratory) schools, and the Florida School for the Deaf and the Blind to enter into cooperative agreements to form regional educational consortia.<sup>94</sup> Each consortium provides at least three of the following services: Exceptional Student Education (ESE); teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.<sup>95</sup> There are currently three regional educational consortia organized in the state, each receiving annual appropriations from the Legislature, including a \$50,000 grant for each member school district that the consortium serves.<sup>96</sup>

**Panhandle Area Educational Consortium (PAEC).** Established in 1967, PAEC (pronounced "pace") primarily serves its members, which are Florida State University Schools, Inc., and 13 school districts: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla, Walton, and Washington. In addition, PAEC provides services for the Florida A&M University Developmental Research School and eight "participating" school districts: Bay, Escambia, Hamilton, Leon, Nassau, Okaloosa, Santa Rosa, and Suwannee.<sup>97</sup>

**North East Florida Educational Consortium (NEFEC).** Created by four school districts during the 1975-1976 school year, NEFEC's members are the University of Florida's P. K. Yonge Developmental Research School, the Florida School for the Deaf and the Blind, and 13 school districts: Baker, Bradford, Columbia, Dixie, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Nassau, Putnam, Suwannee, and Union. In addition to providing services for its members, NEFEC serves 30 participating school districts: Alachua, Brevard, Calhoun, Citrus, Clay, DeSoto, Duval, Franklin, Gadsden, Glades, Gulf,

<sup>94</sup> Section 1001.451(1), *Florida Statutes* (2007).

<sup>95</sup> Section 1001.451(2), *Florida Statutes* (2007).

<sup>96</sup> See, e.g., Specific Appropriation 106, § 2, ch. 2007-72, *Laws of Florida* (2007).

<sup>97</sup> See Panhandle Area Educational Consortium, at <http://www.paec.org> (last visited Dec. 28, 2007).

Hardee, Hendry, Hernando, Highlands, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Marion, Monroe, Okeechobee, St. Johns, Sumter, Taylor, Wakulla, Walton, and Washington.<sup>98</sup>

**Heartland Educational Consortium (HEC).** Founded in 1996, HEC provides services for its six member school districts: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee.<sup>99</sup>

### **Schultz Center for Teaching and Leadership**

The Schultz Center for Teaching and Leadership was established in 1997 by a group of citizens, educators, and business leaders seeking education reform in Jacksonville. Initiated by a \$1 million grant from former Speaker of the Florida House of Representatives (1968-1970), Frederick H. Schultz, the Schultz Center was created through locally raised private donations and state-matched grants. The center opened in March 2002 and provides approximately 90 percent of the professional development services of Duval County Public Schools. In addition, the center serves four other school districts: Baker, Clay, Nassau, and St. Johns.<sup>100</sup>

### **No Child Left Behind Act of 2001**

On January 8, 2002, President George W. Bush signed into law the federal *No Child Left Behind (NCLB) Act of 2001*.<sup>101</sup> The act requires school districts to ensure that all teachers hired and teaching in a program supported with federal grants under Title I, Part A<sup>102</sup> must be "highly qualified."<sup>103</sup> The NCLB act also requires a state receiving Title I grants to adopt a state plan that includes measurable objectives for an annual increase in the percentage of teachers within each school district and school who

receive high-quality professional development.<sup>104</sup> The NCLB act prescribes the types of activities that qualify as "professional development" for purposes of requirements for highly qualified teachers.<sup>105</sup> According to the National Staff Development Council, its standards (upon which Florida's Protocol System standards are aligned) address all NCLB requirements.<sup>106</sup>

In addition, the NCLB act provides grants to states and school districts, under Title II, Part A. Among the authorized uses of the funds are the recruitment, retention, and professional development of highly qualified teachers.<sup>107</sup> Since 2002, the Florida Legislature has provided annual budget authority in each year's *General Appropriations Act* for teacher professional development funds provided from Title II, Part A grants, currently \$134.6 million for the 2007-2008 fiscal year.<sup>108</sup>

#### **FLORIDA NCLB TITLE II, PART A GRANTS**

Legislative budget authority in Florida's *General Appropriations Act* for NCLB Title II, Part A grants:

2002	\$129,687,133	2005	\$134,559,389
2003	\$129,044,058	2006	\$134,559,389
2004	\$129,044,058	2007	\$134,580,906

<sup>98</sup> See North East Florida Educational Consortium, at <http://www.nefec.org> (last visited Dec. 28, 2007).

<sup>99</sup> See Heartland Educational Consortium, at <http://www.heartlanded.org> (last visited Dec. 28, 2007).

<sup>100</sup> See Schultz Center for Teaching and Leadership, at <http://www.schultzcenter.org> (last visited Dec. 28, 2007).

<sup>101</sup> Public Law 107-110 (2002).

<sup>102</sup> Title I, Part A of the federal *Elementary and Secondary Education Act of 1965*, as amended and reauthorized under the *No Child Left Behind Act of 2001*, provides financial assistance to school districts and schools with high numbers or high percentages of poor children to help ensure that all children meet challenging state academic standards.

<sup>103</sup> Title 20, *United States Code*, § 6319(a)(1).

<sup>104</sup> Title 20, *United States Code*, § 6319(a)(2)(B).

<sup>105</sup> Title 20, *United States Code*, § 7801(34).

<sup>106</sup> Stephanie Hirsh, "NSDC Standards Provide a Richer Definition of Professional Development Than Does NCLB," *Journal of Staff Development* (2006).

<sup>107</sup> Title 20, *United States Code*, §§ 6611-6623.

<sup>108</sup> Specific Appropriation 127, § 2, ch. 2002-394, *Laws of Florida* (2002); Specific Appropriation 79, § 2, ch. 2003-397, *Laws of Florida* (2003); Specific Appropriation 105, § 2, ch. 2004-268, *Laws of Florida* (2004); Specific Appropriation 98, § 2, ch. 2005-70, *Laws of Florida* (2005); Specific Appropriation 115, § 2, ch. 2006-25, *Laws of Florida* (2006); Specific Appropriation 107, § 2, ch. 2007-72, *Laws of Florida* (2007).

## Council for Education Policy Research and Improvement's 2005 Report

In December 2005, the former Council for Education Policy Research and Improvement (CEPRI)<sup>109,110</sup> issued a report on the cost and effectiveness of inservice training in Florida.<sup>111</sup> In its report, CEPRI found that most state and local expenditures for inservice training are not from funds specifically appropriated for professional development but from general-purpose funds provided to school districts. State and local expenditures by school districts on professional development, CEPRI found, were approximately \$182 million (an average \$1,150 per teacher) during the 2002-2003 fiscal year. This estimate did not include training personally paid for by teachers or the cost of substitute teachers who cover the classrooms of teachers released for training. According to CEPRI, the estimate probably did not include most expenditures by individual schools from discretionary funds. CERPI estimated that the statewide total amount expended by school districts on professional development in 2005 (from all funding sources) was an average \$730 million.<sup>112</sup>

CEPRI attempted to determine the state's return on investment (ROI) for inservice training but found that the ROI could not be estimated because data available on expenditures, specific training activities, and teacher participation were incomplete. CEPRI also found that there was no systematic way to link teacher training to student performance. CEPRI predicted that the NCLB act's requirements for high-quality professional development, the *School Community Professional Development Act's* requirements for a coordinated system of training for education professionals, and Florida's Protocol System should, over time, result in evaluation processes that stimulate improvements in inservice

training which could radically improve teacher performance and student achievement.<sup>113</sup>

CEPRI also noted that it worked with the Schultz Center for Teaching and Leadership to develop a training and evaluation model. CEPRI reported that preliminary results showed that a positive correlation exists between student learning gains and their teacher's participation in training.<sup>114</sup>

To conclude its report, CEPRI made the following recommendations:

- DOE, in collaboration with school district staff development directors, should develop and refine Florida's Protocol System to accurately identify training programs and assess their effectiveness in terms of impact on student achievement;
- DOE, in collaboration with school district finance officers, should develop and implement guidelines for a revenue and expenditure reporting system that clearly delineates funds allocated for inservice training and tracks expenditures;
- The Schultz Center for Teaching and Leadership should continue demonstration of its training and evaluation model for at least three years to document the potential of inservice training to improve student achievement; and
- Consider further development and broader application of the Schultz Center model for statewide use.<sup>115</sup>



<sup>109</sup> See Council for Education Policy Research and Improvement, at <http://www.cepri.state.fl.us> (last visited Dec. 28, 2007).

<sup>110</sup> The Legislature discontinued funding for CEPRI for the 2005-2006 fiscal year. CEPRI completed its pending projects and ceased operations by January 1, 2006. In 2007, the Legislature repealed the section of law which created CEPRI. Section 189, ch. 2007-217, *Laws of Florida* (2007) (repealed former § 1008.51, *Florida Statutes* (2006)).

<sup>111</sup> Council for Education Policy Research and Improvement, *In-Service Education: the Challenge of Determining Cost and Effectiveness* (2005) [hereinafter *CEPRI*].

<sup>112</sup> *Id.* at 1-5.

<sup>113</sup> *Id.* at 5-9.

<sup>114</sup> *Id.* at 10-13.

<sup>115</sup> *Id.* at 13-14.

## METHODOLOGY



RESEARCH FOR THIS REPORT WAS conducted by committee staff through interviews with the Bureau of Educator Recruitment, Development, and Retention of the Florida Department of Education (DOE); staff development directors from five school districts (Brevard, Gadsden, Highlands, Miami-Dade, and Pinellas); staff from each of the three regional educational consortia (PAEC, NEFEC, and HEC); staff of the Schultz Center for Teaching and Leadership; and DOE's contractor for the protocol system, Evaluation Systems Design, Inc. Combining the interviews with staff development directors from the five school districts together with the districts represented through the regional educational consortia and the Schultz Center, the interviews represent the geographically diverse perspectives of 49 of Florida's 67 school districts. These include urban and rural districts and districts in the northern, central, and southern areas of the state.

Committee staff reviewed Dr. Bruce Joyce's 1997 report on Florida's professional development system and examined national research on staff development, including the *NSDC Standards for Staff Development*. Committee staff compared the interview responses compiled for this report with the national research and Dr. Joyce's findings and recommendations.



## FINDINGS

### 1

### Teacher Professional Development Systems Vary by School District

School district staff interviewed for this report were asked to describe their professional development systems. Staff of the regional educational consortia interviewed were similarly asked to describe their observations of the professional development systems of the school districts they serve.<sup>116</sup> As committee staff conducted the interviews, the most immediate and recurring observation was that each school district's professional development system is very different.

**District-Level Coordination.** The staff interviewed related that, in many school districts, district-level responsibility for professional development had traditionally been housed in the district's human resources office. In several school districts, professional development has been elevated to its own office. In one school district and one regional educational consortium, the staff development director sits on the superintendent's cabinet and has an equal status with the curriculum and instruction director or the assessment director.

Urban school districts typically operate their professional development systems independently, while many rural districts rely on support from regional educational consortia.

**Funding.** School districts support professional development from many funding sources. These include base school funding from the state's Florida Education Finance Program (FEFP),<sup>117</sup> federal grants, and state funds allocated to school advisory councils for implementation of their school improvement plans.<sup>118</sup> Many school districts allocate professional development funds for centralized expenditure through their staff development offices. Several school districts allocate professional development funds among the district's administrative divisions (e.g., curriculum and

<sup>116</sup> Findings based on interview responses from school districts and regional educational consortia include responses from staff of the Schultz Center for Teaching and Leadership.

<sup>117</sup> See § 1011.62, *Florida Statutes* (2007).

<sup>118</sup> See §§ 24.121(5)(c), 1001.452(2), & 1008.36, *Florida Statutes* (2007).



instruction office, assessment office, English for Speakers of Other Languages (ESOL) office, Exceptional Student Education (ESE) office, as well as its staff development office). In addition to school improvement funds provided to school advisory councils, a few school districts allocate a portion of the district's professional development funds directly to its schools.

**Needs Assessments.** Historically, most school districts determined their professional development needs primarily through surveys of teacher preferences and monitoring attendance at inservice activities. Many school districts continue to use surveys of teachers and administrators to identify professional development needs, although most report that they currently review student achievement data to confirm the survey results. Most school districts also reported using school improvement plans, district-wide objectives, and state and federal requirements to plan for inservice offerings.

Determining professional development needs, allocating funding, and selecting inservice offerings, in most school districts, is managed at the district level. One rural school district reported that it uses a "decentralized" approach in which individual schools and the district's administrative divisions each identify training needs.

Many school districts have established committees composed of teachers, school principals, administrators, and (in one district) school board members to review student achievement data and assist district staff in identifying the district's training needs. In other school districts, advisory councils composed of directors from each of the district's administrative divisions assist the superintendent in allocating professional development funds and setting priorities for selecting inservice offerings.

To identify needs and set priorities for training in rural school districts, several regional educational consortia have established inter-district committees with representation from each school district served by the consortium.

**Inservice Approval.** In a few school districts, the district's administrative divisions and individual schools receive separate funding for professional development, determine their own training needs,

and conduct inservice workshops. By contrast, in several school districts, virtually all funding is controlled—and all inservice offerings are coordinated—by the district's central office. In other school districts, individual schools and the district's administrative divisions may design and conduct inservice training, but all workshops must be approved by the district's staff development office. School districts that support their professional development systems with information technology are able to enforce their centralized approval of inservice offerings by controlling access to inservice scheduling, registration, and the award of inservice points through the electronic systems.

**Media and Venue.** School district staff interviewed for this report described that approximately 70 percent of inservice training is conducted in a traditional face-to-face classroom setting. Training is frequently conducted at district-wide workshops hosted at school sites or at regional conferences held in hotels or conference centers. One urban school district reported, however, that it has moved away from district-wide training and typically provides training for a school's faculty at the school site. In rural school districts, regional educational consortia often host workshops at training facilities staffed by the consortia.

In most school districts, approximately 30 percent of inservice training is delivered through distance learning and other technology-based systems, including:

- ↳ CD/DVD libraries;
- ↳ Satellite and cable television broadcasts;
- ↳ Web-based streaming video; and
- ↳ Webinars, professional learning communities, discussion groups, and other online services.

**Trainers.** School districts vary significantly with respect to who delivers inservice training. In most school districts, the bulk of inservice activities is facilitated by teachers. In these school districts, trainers are typically teachers who complete an advanced "train-the-trainer" course. Several school districts call upon national board certified teachers, lead teachers, or resource teachers to conduct training for their colleagues. Several school districts report that they pay a stipend (e.g., \$50 per hour) for teachers who conduct training sessions.

Many school districts described that district staff (e.g., curriculum and instruction, English for Speakers of Other Languages (ESOL), and Exceptional Student Education (ESE)) frequently conduct training throughout the district in their subject areas.

Several school districts reported that, beyond school and school district staff, the districts occasionally contract with nationally recognized speakers for district-wide training but tend to limit outside speakers if district staff can provide comparable training.

Professional development in most rural school districts includes training performed by staff trainers from regional educational consortia. Rural school districts varied in the extent that a district's training needs are met by a regional educational consortium. In some rural school districts, the consortium provided most of the district's inservice offerings. In others, the consortium provided less than one-third of the district's offerings.

**Inservice Points.** As previously discussed in the background of this report, Florida law requires a teacher to earn at least 120 inservice points every five years for recertification.<sup>119</sup> State law does not, however, limit how school districts award inservice points. Most school districts assign inservice points based on the time necessary to complete the training (and any assigned follow-up activities). One inservice point is typically awarded for each clock hour estimated necessary to complete the training and follow-up. School districts varied whether a workshop's organizer or the district's central office (i.e., staff development office) is responsible for assigning how many inservice points are awarded for a workshop.

School districts also varied as to who has authority to award inservice points to individual teachers. Virtually all school districts reported that the workshop's organizer must verify that a teacher completed the workshop. Many school districts also required the workshop's organizer to confirm that the teacher completed the required follow-up activities before inservice points are awarded. In some school districts, final authority for awarding inservice points resides with the workshop's organizer or the school principal. In other school

districts, the staff development office must approve the award of all inservice points.

**Information Technology.** School districts consistently reported that they used information technology to support their professional development systems. However, the degree to which their systems relied on technology varied greatly. Most school districts used a web-based system that allowed teachers to review a master calendar of inservice offerings and register for workshops. After attending a workshop, teachers in several school districts submitted online evaluation surveys and proof of completing follow-up activities to the workshop's facilitator. Several of the school districts' information systems allowed inservice points to be awarded electronically in the system and allowed a teacher to monitor accrued inservice points during the teacher's five-year recertification period. Few school districts used their information systems for preparation or compilation of teachers' individual professional development plans (IPDPs).

Rural school districts almost exclusively support their professional development programs using information systems maintained by regional educational consortia. The consortia's information systems are comparable to, and in many instances include greater functionality than, the information systems used by most urban school districts. For example, one consortium's information system, in addition to electronic support for IPDPs, allowed teachers to perform self assessments of their professional development needs and compiled the results to identify training needs throughout the school districts served by the consortium.

## 2 Professional Development Systems Have Improved Under the Protocol System

School district and regional educational consortium staff interviewed for this report consistently said they perceived that district professional development systems have improved since DOE's implementation of the protocol system in 2003. One rural school district referred to the changes brought about by the protocol system as an "eye opener." The following improvements were identified in the interviews:

<sup>119</sup> Section 1012.585(3)(a), *Florida Statutes* (2007).

- ↔ School districts have enhanced the linkage between professional development and student achievement, including increased up-front planning of teacher needs based on student achievement data;
- ↔ School districts have improved their efforts in collecting the types of data necessary to plan for professional development needs;
- ↔ School districts have moved away from “spray and pray” or “sit and get” approaches and have narrowed the range of inservice offerings to focus resources and emphasis on required content and areas in which teachers need the most assistance; and
- ↔ School districts have begun to calculate return on investment for planning how to allocate limited professional development resources.

These perceptions are generally confirmed by data collected from the first complete cycle (2003-2006) of site reviews of all 67 school districts conducted in accordance with Florida’s Protocol System:

- ↔ Most school districts are implementing most planning and delivery standards at a “good” or “excellent” level;
- ↔ School districts with good or excellent ratings tend to demonstrate greater increases in student achievement. Based on a correlation analysis examining the relationship between high ratings on the protocol standards and student gains, the analysis showed a moderate positive relationship between the protocol ratings and student achievement increases;
- ↔ Upward trends were observed in the protocol ratings over time, with small but consistent increases in average ratings. Thus, school districts rated later (e.g., 2005-2006) in the first cycle of reviews tend to receive higher ratings than districts rated early (e.g., 2003-2004) among the first-cycle reviews;
- ↔ School districts are basing their planning decisions, at least in part, on the protocol standards and incorporating the standards into their organizations;
- ↔ School districts have increased their awareness of the protocol standards and best practices of professional development and have been

encouraged to improve their professional development systems based on the standards; and

- ↔ School districts are using the protocol standards for self-review of their professional development systems and are encouraging principals and trainers to follow the standards.<sup>120</sup>

Initial data from the first round (2006-2007) of the protocol system’s second-cycle reviews, which include site reviews of 20 school districts, demonstrate that:

- ↔ Nearly all school districts showed improvement in their average ratings on the protocol standards compared to their first-cycle ratings;
- ↔ A correlation exists between high ratings on the protocol standards and increased student achievement over time;
- ↔ School districts increased the extent to which they follow the protocol standards in all four strands (planning, delivery, follow-up, and evaluation) and at all three levels (faculty, school, and district); and
- ↔ Ratings on district-level standards showed the greatest increases from the first-cycle ratings.<sup>121</sup>

Overall, interviews and data analysis from Florida’s Protocol System show that school districts have improved their professional development systems and expanded their knowledge of how to design, implement, and maintain a quality professional development system.<sup>122</sup>

In addition, data analysis from Florida’s Protocol System identified a strong relationship in most schools between planning for school improvement and the use of professional development as a tool for improving the school. Interviews further showed that a school district’s overall mindset and approach to school improvement and education accountability frequently influenced the extent to which the district emphasized professional development.

<sup>120</sup> Protocol System First-Cycle Report, *supra* note 74, at 21-22.

<sup>121</sup> Protocol System Second-Cycle Report, *supra* note 92, at 21-22.

<sup>122</sup> *Id.*

### 3 District-Level Coordination of Professional Development Systems Has Increased

In his 1997 report, Dr. Bruce Joyce recommended that school districts establish an “overarching system” of professional development which is coordinated at the district level.<sup>123</sup> As previously discussed in the first finding of this report, interviews with school districts and regional educational consortia revealed that most districts have centralized many responsibilities for managing their professional development systems, including district-level coordination, allocating inservice funding, identifying professional development needs, approving inservice offerings, and awarding inservice points.

Interviews also demonstrated that a few school districts have maintained a decentralized approach in which the district’s administrative divisions and individual schools control inservice activities with limited coordination by the district’s staff development office.

### 4 Use of Individual Professional Development Plans Varied by District

As previously discussed in the background of this report, Florida’s *School Community Professional Development Act* requires school principals to establish and maintain an individual professional development plan (IPDP) for each instructional employee assigned to the school. A teacher’s IPDP must be based on student achievement data and define inservice objectives and expected improvements in student achievement as a result of the teacher’s participation in the inservice activity.<sup>124</sup>

The first cycle of site reviews under Florida’s Protocol System showed increases over time in the extent to which teachers and schools are completing IPDPs in a meaningful fashion. Some school districts completely revised their teacher appraisal system to incorporate IPDPs into the process. However, in some schools, site reviews found little evidence that

IPDPs served a meaningful purpose in planning and organizing professional development for teachers.<sup>125</sup>

The site reviews revealed that IPDPs frequently listed one or two major inservice programs per year, but the programs appeared on the IPDPs for all teachers in a grade level, content area, or even the entire school. The site reviews showed that teachers received inservice points for many more programs than identified in their IPDPs. Current law does not require a teacher to complete the professional development indicated in the teacher’s IPDP, nor does current law limit a teacher’s selection of inservice offerings to those listed in the IPDP.<sup>126</sup>

Observations by the staff interviewed for this report, both from school districts and regional educational consortia, were generally consistent with findings from the site reviews in that many districts did not compile information from IPDPs when determining a district’s professional development needs. One rural school district viewed the IPDP as a “relationship” between a teacher and the school principal. In many school districts, IPDPs are completed in “paper and pencil” form.

By contrast, several regional educational consortia automated IPDPs as part of their information systems, and at least one consortium used the data, in part, to plan for inservice needs. One rural school district served by a consortium independently described that, when a teacher enrolls for training, an email message is sent to the school principal for review and approval. In practice, school principals generally do not disapprove training, and training enrollments are typically not checked for alignment to IPDPs.

### 5 School Districts Have Made Some Progress in Follow-Up to Ensure Classroom Transfer

In most school districts and regional educational consortia whose staff were interviewed for this report, after teachers attend an inservice workshop, the teachers are required to complete follow-up activities before inservice points are awarded. Of these districts and consortia, most support their professional development systems with a web-based electronic tracking system that requires a workshop

<sup>123</sup> Joyce & Byrne, *supra* note 46, at 4, 9, 15, & 51.

<sup>124</sup> Section 1012.98(4)(b)5., *Florida Statutes* (2007).

<sup>125</sup> *Protocol System First-Cycle Report*, *supra* note 74, at 24.

<sup>126</sup> *Id.* at 25.

facilitator, after the workshop is held, to check off each teacher's completion of follow-up activities using the online information system. To verify completion of follow-up activities, teachers routinely submit forms or send email messages to the facilitator. However, interviews revealed little evidence that follow-up after inservice activities, as envisioned by the *NSDC Standards for Staff Development*,<sup>127</sup> consistently involved peer coaching,<sup>128</sup> classroom observations, action research,<sup>129</sup> study groups,<sup>130</sup> or similar elements that ensure transfer to the classroom.

Although several professional learning communities have been established among the school districts and regional educational consortia interviewed, the learning communities were often not school-based groups of teachers who regularly meet face-to-face to jointly design lessons, examine student work, analyze data, and develop curriculum. The learning communities, rather, were most frequently web-based bulletin board systems that allow teachers to communicate and share ideas through the Internet. Although the *NSDC Standards for Staff Development* emphasize information technology, the standards do not advocate implementation of learning communities exclusively through electronic means.

Staff interviewed from one urban school district asserted that districts are attaining a new focus on school-based, job-embedded professional development. Of the school districts interviewed, this district alone provided professional development workshops in a series that extends over six to eight months with follow-up between workshops, facilitated by school-based coaches who assist participants as they apply new instructional techniques in the classroom. By comparison, teachers in most school districts regularly attend inservice workshops of a short duration (e.g., one day) and are subsequently required to complete some kind of follow-up activities.

Before implementation of Florida's Protocol System, interviews confirm that required follow-up activities were uncommon. Thus, any efforts by school districts to require follow-up activities

underscore the improvements observed in district professional development systems under the protocol system. However, with few exceptions, there is little evidence that school districts statewide are incorporating a job-embedded approach into their professional development systems.

The first cycle of site reviews under the protocol system showed that:

- ↔ School district ratings on follow-up and evaluation were consistently lower than ratings for planning and delivery of professional development;
- ↔ Ratings for implementing learning communities were among the lowest ratings for any standard. Although some schools have created structures for learning communities (e.g., joint planning times), few teachers or schools consistently implement learning communities; and
- ↔ Continued efforts need to be concentrated on the quality of follow-up and evaluation of professional development in many school districts.<sup>131</sup>

Initial data from the second cycle of site reviews show that, although improvements were noted, follow-up and evaluation remain among the lowest average ratings.<sup>132</sup>

Staff from one regional educational consortium recommended that the most important way the state could improve professional development is to change the "mindset" that professional development ends with training. The consortium emphasized that "less training and more follow-up" should be the state's priority.

## 6 Progress in Evaluation of Professional Development Varies Significantly by District

In his 1997 report, Dr. Joyce found virtually no instances in which the transfer of professional development skills and knowledge were being studied. He consequently observed that school districts lacked information to evaluate the effectiveness of inservice offerings and, accordingly, were unable to modify their programs.<sup>133</sup>

<sup>127</sup> *NSDC Standards*, *supra* note 28.

<sup>128</sup> See *supra* note 37 ("peer coaching").

<sup>129</sup> See *supra* notes 38 & 70 ("action research").

<sup>130</sup> See *supra* note 39 ("study groups").

<sup>131</sup> *Protocol System First-Cycle Report*, *supra* note 74, at 36-38.

<sup>132</sup> *Protocol System Second-Cycle Report*, *supra* note 92, at 22.

<sup>133</sup> Joyce & Byrne, *supra* note 46, at 21.

School districts were generally rated lower under Florida's Protocol System for evaluation of professional development than any of the other three strands (planning, delivery, and follow-up). Data analysis from the first cycle of site reviews found that school district ratings for evaluation standards varied more from district to district than for other standards.<sup>134</sup>

#### PROTOCOL EVALUATION QUESTIONS

- <=> Did teachers participate in and complete the planned professional development?
- <=> Did teachers use the skills and techniques learned when back in the classroom?
- <=> What changes or improvements in students resulted from the new approaches?
- <=> Were the assessments or measures used to verify the changes appropriate?

SOURCE: Florida Department of Education (2006).<sup>135</sup>

Site reviews also found that “[c]onsiderable variation was noted in the extent to which teachers and administrators are determining whether teachers actually participated in the planned professional development listed on [individual professional development plans (IPDPs)] and if those skills were then used in classrooms.”<sup>136</sup> Staff interviewed for this report from schools districts and regional educational consortia identified similar results. School districts consistently confirmed that IPDPs were prepared for teachers as required, but few placed emphasis on the district's use of IPDPs.

Findings from site reviews under the protocol system describe that some schools conduct formal reviews of IPDPs at the end of the school year as part of teacher appraisal reviews and planning for the next year. In other schools, the IPDP review is “perfunctory or only a paperwork process in which teachers complete the form that is turned in and signed by an administrator.”<sup>137</sup>

Interviews for this report were consistent with findings from the protocol system reviews. One school district requires its school principals to meet with each teacher at the end of the school year for an “appraisal conference,” at which the teacher's completion of inservice activities listed in the IPDP is examined and next steps are identified for the

following school year. In addition, the school district encourages, but does not require, school principals to conduct a midyear conference with teachers. Other school districts interviewed deemphasized IPDPs when describing their professional development systems.

First-cycle data from the site reviews also showed that most teachers are not aware of “action research”<sup>138</sup> and few teachers have conducted it.<sup>139</sup> Initial data from the second-cycle reviews demonstrated that school districts continue to need improvement in action research.<sup>140</sup>

Finally, several school district staff interviewed for this report explained that their districts conducted evaluations of their professional development offerings. As the staff described the evaluations, however, it was revealed that the districts most typically conducted surveys of teachers who attended inservice workshops. One rural school district described that it evaluates inservice training by examining teacher participation rates (*i.e.*, attendance) and the hand-written evaluations submitted by teachers at the end of a training workshop. School districts did not generally report using information from student achievement data and teacher performance appraisals to evaluate the effectiveness of workshops (or modify workshops based on the results of the evaluations).

## 7 Rural School Districts Face Challenges in Evaluating Inservice Needs

School districts in rural communities have difficulty analyzing student achievement data, which consequently causes challenges in assessing professional development needs and evaluating the effectiveness of professional development offerings based on data. The common reasons cited for these difficulties were limited information technology resources and insufficient educational assessment staff. In many rural communities, regional educational consortia augment a school district's capabilities by assisting with analysis of student achievement data. However, in several school districts, the assistance available from a regional

<sup>134</sup> *Protocol System First-Cycle Report*, *supra* note 74, at 36-37.

<sup>135</sup> *Protocol System Reviewer's Guide*, *supra* note 89, at 34, 74, & 113.

<sup>136</sup> *Protocol System First-Cycle Report*, *supra* note 74, at 32.

<sup>137</sup> *Id.*

<sup>138</sup> See *supra* notes 38 & 70 (“action research”).

<sup>139</sup> *Protocol System First-Cycle Report*, *supra* note 74, at 37.

<sup>140</sup> *Protocol System Second-Cycle Report*, *supra* note 92, at 22.

educational consortium was inadequate to overcome the limitations on the district's resources and staffing.

## 8 Teachers are Allotted Limited Work Time for Job-Embedded Professional Development

Most school districts interviewed dedicate two or four days per school year for professional development, although one school district interviewed allotted one day. In some school districts, for example, two days are set aside for district-wide professional development offerings, while two additional days are reserved for school-based inservice activities. Several school districts provide staff training during "early release" days in which students leave campus two or three hours earlier than the regular school day. In addition to inservice days, many school districts provide teacher planning days during which teachers may participate in professional development or engage in individual lesson planning.

Several school districts arrange for substitute teachers to cover classes while teachers participate in training during the school day. One regional educational consortium recommended that school districts increase the use substitutes to allow more teachers to attend professional development during their work schedules.

Many school districts expect teachers to complete inservice activities after school or on weekends, holidays, or during summer recesses. For professional development attended outside of the workday, many school districts pay teachers a stipend as compensation for their time (e.g., \$20 per hour), although some districts provided no stipends or provided stipends only for mandatory district-wide training sessions.

Several school districts have begun to embrace job-embedded professional development. However, no staff interviewed said that their school districts dedicate weekly time for teachers to engage in renewal and collaborative activities. Dr. Joyce recommended that at least two hours per week be allotted for professional development.<sup>141</sup> The *NSDC Standards for Staff Development* suggest that

25 percent of a teacher's work time be used for professional learning and collaboration with colleagues.<sup>142</sup>

Staff of one regional educational consortium recommended that school districts adopt academic calendars that include a "professional development week," perhaps before the school year begins but not conflicting with preservice schedules.

For comparison, students from Singapore, Finland, and Japan rank among the highest internationally for achievement in mathematics, science, and reading.<sup>143</sup> In Singapore, teachers are provided 100 hours of training per year.<sup>144</sup> In Finland, one afternoon per week is set aside for teacher training.<sup>145</sup> In *The Economist*, one educator observed that "when a brilliant American teacher retires, almost all of the lesson plans and practices that she has developed also retire. When a Japanese teacher retires, she leaves a legacy."<sup>146</sup>

## 9 Protocol System Needs Increased Emphasis on New Instructional Strategies

In his report on Florida's professional development systems, Dr. Joyce observed that, in 1997, very few professional development offerings expanded the content knowledge and instructional skills of most teachers. He explained that most offerings were provided at the introductory ("awareness") level and generally taught generic instructional practices.<sup>147</sup>

The *NSDC Standards for Staff Development* relating to the content of professional development emphasize that inservice activities should deepen teachers' understanding of their subject areas and allow them to learn new instructional approaches and assessment strategies.<sup>148</sup>

<sup>142</sup> *NSDC Standards*, *supra* note 28.

<sup>143</sup> See, e.g., National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, *Highlights from the Trends in International Mathematics and Science Study (TIMSS) 2003* (2004); Organisation for Economic Co-operation and Development, *Executive Summary PISA 2006: Science Competencies for Tomorrow's World* (2007) (Programme for International Student Assessment); The Honorable Marco Rubio, *100 Innovative Ideas for Florida's Future: A Plan of Action 14-16* (2006).

<sup>144</sup> "Education: How to be Top: What Works in Education: the Lessons According to McKinsey," *The Economist*, Oct. 20, 2007, at 81.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> Joyce & Byrne, *supra* note 46, at 20 & 22.

<sup>148</sup> *NSDC Standards*, *supra* note 29, at 11.

<sup>141</sup> Joyce & Byrne, *supra* note 46, at 56-57.

Review of the 66 protocol standards and technical reports detailing findings made under Florida's Protocol System did not reveal that the current system specifically measures the extent to which professional development offerings include new instructional strategies beyond the existing knowledge and skills of teachers attending the training.

The protocol system's content standards 1.1.5 (faculty level), 2.1.6 (school level), and 3.1.3 (district level) assess the extent to which professional development offerings focus on all eight of the categories<sup>149</sup> listed in the *School Community Professional Development Act*.<sup>150</sup> Among the eight statutory categories, one includes "[i]dentification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas."<sup>151</sup> The protocol system assesses whether inservice training addresses this category collectively with the remaining seven categories.

In the interviews conducted for this report, school district and regional educational consortia staff were not specifically asked whether their inservice offerings included new instructional strategies beyond the existing knowledge and skills of most teachers. However, one urban school district designs separate inservice offerings for new teachers and experienced teachers. Further, the school district provides professional development offerings at three levels:

- ✦ **Awareness.** Introductory level that provides basic information on instructional practices, programs, or terminology.
- ✦ **Teaching and Learning.** In-depth training that encourages participants to apply new knowledge, skills, and tools in the classroom to improve student performance.
- ✦ **Building Capacity for Teaching and Learning.** Advanced training for curriculum support specialists, teacher leaders, instructional coaches, and instructional support personnel to assist teachers in applying new instructional practices.

The protocol system does not specifically measure the extent to which professional development offerings include new instructional strategies. Thus, site reviews currently provide policymakers with limited information to monitor whether inservice offerings include instructional techniques within or outside the typical range of curricular and instructional strategies possessed by most teachers.

## 10 Protocol Standards Do Not Differentiate Among Grade Levels

In Dr. Joyce's 1997 report of Florida's professional development systems, he observed that there were "substantial differences in activity between teachers in elementary schools and those in middle and high schools."<sup>152</sup> He described that elementary teachers are more actively involved in professional development than teachers in middle or high schools.<sup>153</sup> In fact, Dr. Joyce explained that elementary teachers in lower grades participate in professional development with greater frequency than teachers in the upper elementary grades.<sup>154</sup> In addition, Dr. Joyce found that few professional development offerings were directed toward middle and high school teachers and fewer addressed content in their curriculum areas.<sup>155</sup>

School district staff interviewed for this report echoed Dr. Joyce's findings. They stated that teachers in lower grades, especially in elementary schools, have begun to make cultural changes and are beginning to embrace professional development as an integral part of school improvement. In the interviews, school district staff described that teachers in later grades, especially in high schools, have engaged professional development with much less vigor and have maintained the historical staff culture of teachers working in virtual isolation.

Florida's Protocol System does not evaluate differences in participation among elementary, middle, and high school teachers. As a consequence, policymakers do not have enough information to discern differences in professional development

<sup>149</sup> See *supra* text accompanying note 10 (listing of eight categories).

<sup>150</sup> *Protocol System Reviewer's Guide*, *supra* note 89, at 12-13, 53-54, 88-89.

<sup>151</sup> Section 1012.98(4)(b)3., *Florida Statutes* (2007).

<sup>152</sup> Joyce & Byrne, *supra* note 46, at 33-34.

<sup>153</sup> *Id.* at 34.

<sup>154</sup> *Id.* at 34.

<sup>155</sup> *Id.* at 22.



among the elementary, middle, and high-school grade levels.

## 11 Concerns Exist Regarding the Merger of Teacher Training Funds

In 1999, the Legislature appropriated \$34 million for teacher training. A school district's allocation was conditioned on DOE's approval of the district's professional development system and a requirement that school principals establish and maintain an individual professional development plan (IPDP) for each instructional employee.<sup>156</sup> From 2000 through 2004, the Legislature earmarked an annual appropriation of \$36 million for teacher training.<sup>157</sup> In 2005, the Legislature reduced the appropriation to \$18 million.<sup>158</sup> Finally, in 2006, the Legislature eliminated the line-item appropriation for teacher training. However, interviews with legislative appropriations staff reveal that the Legislature increased the base student allocation in funding for the Florida Education Finance Program (FEFP)<sup>159</sup> while eliminating line-item funding for teacher training, thereby consolidating the training funds into the base school funding. School districts, consequently, are annually provided funding for teacher training as part of the base student allocation but are no longer required to expend a specified amount on teacher training.

Staff development directors interviewed for this report consistently expressed concerns about the elimination of funding earmarked specifically for teacher training. The directors from most school districts reported that their school boards had generally maintained their level of funding but related that professional development systems in other districts experienced budget reductions. One staff development director characterized the loss of funding to some professional development systems as having been "cut to the bone." Staff development directors uniformly voiced apprehension about the need to compete for funding within the school

district against other administrative divisions and district priorities.

This report was limited to interviews of staff development directors and did not include school board members, superintendents, finance officers, or other school district staff who may favor the budget flexibility of including funding for teacher training within the base student allocation.

## 12 Districts Shared Ideas to Improve the Professional Development System

Committee staff gave each individual interviewed for this report an opportunity to share any ideas for potential improvements to the professional development system in Florida. Most of those interviewed shared their insights for possible improvements.

**Expenditure Reporting.** In Florida's Protocol System, two standards—2.4.5 (school level) and 3.4.6 (district level)<sup>160</sup>—require schools and school districts to document their total expenditures for professional development *by category* for each of the eight categories<sup>161</sup> listed in the *School Community Professional Development Act*.<sup>162</sup> Site reviews found that some schools and school districts have implemented systems to document expenditures according to these eight categories, while others have not. Some schools and school districts maintain hand-calculated records.

In interviews conducted for this report, staff from most school districts expressed frustration that the protocol system requires reporting of professional development expenditures according to the eight categories, but that the state's accounting system—the Florida Accounting Information Resource (FLAIR)<sup>163</sup>—does not track expenditures in this manner.

School district staff shared various ideas for addressing this issue. Several school districts suggested that FLAIR be modified to track expenditures according to the eight professional development categories. Another school district recommended that a new statewide system be

<sup>156</sup> Specific Appropriation 117B, § 2, ch. 99-226, *Laws of Florida* (1999).

<sup>157</sup> Specific Appropriation 83, § 2, ch. 2000-166, *Laws of Florida* (2000); Specific Appropriation 122, § 2, ch. 2001-253, *Laws of Florida* (2001); Specific Appropriation 108, § 2, ch. 2002-394, *Laws of Florida* (2002); Specific Appropriation 63, § 2, ch. 2003-397, *Laws of Florida* (2003); Specific Appropriation 86, § 2, ch. 2004-268, *Laws of Florida* (2004).

<sup>158</sup> Specific Appropriation 78, § 2, ch. 2005-70, *Laws of Florida* (2005).

<sup>159</sup> Specific Appropriation 91, § 2, ch. 2006-25, *Laws of Florida* (2006).

<sup>160</sup> *Protocol System Reviewer's Guide*, *supra* note 89, at 82-83, 121-22.

<sup>161</sup> See *supra* text accompanying note 10 (listing of eight categories).

<sup>162</sup> Section 1012.98(4)(b)3., *Florida Statutes* (2007).

<sup>163</sup> Section 215.93(1)(b), *Florida Statutes* (2007).

developed specifically for tracking inservice data. Other school districts questioned whether it was even necessary for expenditure data to be reported by category.

As previously discussed in the background of this report, a 2005 report by the former Council for Education Policy Research and Improvement (CEPRI) recommended that DOE, in collaboration with school districts, develop a revenue and expenditure reporting system that clearly delineates funds allocated to inservice training and tracks the expenditure of those funds.<sup>164</sup>

**Summer Inservice Institutes.** One school district recommended that the Legislature reestablish the “summer inservice institutes.” Under a former legislative initiative, inservice training institutes were typically offered during the summer. The institutes annually provided at least 30 hours of rigorous, intensive inservice training for school district instructional personnel on consecutive days (except weekends and district holidays) at a time other than the regular school year.<sup>165</sup> In 1998, legislative authority for inservice training institutes was repealed.<sup>166</sup> Many school districts interviewed described that they offer summer inservice training, typically for one or two weeks. However, several school districts expressed that, due to funding limitations, they had reduced (or were in the process of reducing) their summer inservice offerings.

**Sharing Best Practices.** Staff from one school district recommended that the state establish a system to facilitate the exchange of professional development best practices across school districts. The school district staff suggested that this process for sharing best practices be coordinated by DOE or the Florida Association of Staff Development.<sup>167</sup>

**Mentors for New Teachers.** The professional development systems in many school districts include specialized training for new teachers. Staff from one school district suggested that, statewide, each school should be provided with skilled mentors<sup>168</sup> for the induction of new teachers, particularly those with alternative certification.<sup>169</sup> The school district staff recommended that high standards should be established for selecting and training mentors and that mentors should be permitted to promote only research-based instructional strategies.



## POLICY OPTIONS



BASED ON THE FOREGOING FINDINGS, THE Legislature may wish to consider the following policy options:

- ⇌ Monitor DOE's continued use of the *Florida Professional Development System Evaluation Protocol* as a strategy for observing improvements in school district professional development systems;
- ⇌ Consider proposals that increase the use of individual professional development plans (IPDPs) as a meaningful tool to assist teachers in selecting inservice activities based on their instructional needs and for school principals to monitor participation in those activities;
- ⇌ Monitor school districts for increases in teacher participation in follow-up activities after training in order to ensure transfer of knowledge to the classroom;
- ⇌ Monitor school districts for use of student achievement data to evaluate their inservice training and modify the training based on the data;
- ⇌ Provide assistance to rural school districts that experience challenges in analyzing student achievement data and evaluating their professional development needs;

<sup>164</sup> CEPRI, *supra* note 111, at 13.

<sup>165</sup> Former § 231.631, *Florida Statutes* (1997).

<sup>166</sup> Section 24, chapter 98-281, *Laws of Florida* (1998).

<sup>167</sup> See Florida Association of Staff Development, at <http://www.fasdonline.org> (last visited Dec. 28, 2007).

<sup>168</sup> See *supra* note 36 (“mentoring”).

<sup>169</sup> See § 1012.56(7), *Florida Statutes* (2007) (statutory requirements for alternative certification).

- ↔ Encourage or require school districts to adopt academic calendars and work schedules for teachers that provide adequate time for job-embedded professional development;
- ↔ Encourage DOE to revise its protocol standards to:
  - ↔ Emphasize the extent to which a school district's inservice training expands the content knowledge and instructional techniques of most teachers, offering a range of training at introductory, intermediate, and advanced levels; and
  - ↔ Reflect differences of teacher participation in professional development at the elementary, middle, and high school levels;
- ↔ Monitor the expenditure of school district funding for professional development activities to ensure that continued support exists for programs based on traditional funding levels;
- ↔ Determine whether statewide reporting of inservice expenditures *by category* is needed. If needed, consider changes to FLAIR or alternate methods to assist school districts in collecting the information. If not, consider revisions to the protocol standards; and
- ↔ Consider the policy options suggested by school districts and regional educational consortia, including reestablishing inservice training institutes during the summer,

facilitating the sharing of best practices across school districts, and assigning mentors in every school for new teachers.

Finally, the findings of this report reflect that school districts have made significant progress under Florida's Protocol System and have made great improvements since Dr. Bruce Joyce's 1997 study. The Legislature may also wish to consider, after DOE completes its second cycle of site reviews, contracting for an in-depth study of Florida's inservice professional development programs by a national expert in order to identify areas for further refinement.



FOR MORE INFORMATION

**Florida House of Representatives**  
 Schools & Learning Council  
 214 The Capitol  
 402 South Monroe Street  
 Tallahassee, Florida 32399-1300  
 (850) 488-7451  
[www.myfloridahouse.gov](http://www.myfloridahouse.gov)



**Schools & Learning Council**  
 Lynn Cobb, *Council Director*

**Committee on K-12**  
 J. Marleen Ahearn, *Staff Director*  
 Joseph R. Gillespie, *Chief Legislative Analyst*

