



Education Policy Council

**Monday, April 5, 2010
12:30 PM
212 Knott (Webster Hall)**

**Larry Cretul
Speaker**

**Will W. Weatherford
Chair**



The Florida House of Representatives

Education Policy Council

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Agenda

Wednesday, April 5, 2010
212 Knott (Webster Hall)
12:30 – 8:15 pm

- I. Roll Call
- II. Consideration of the following bill(s):

PCS for CS/HB 7053 -- Public School Assessments
PCS for HB 7189 -- Education Personnel
- III. Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS FOR CS/HB 7053 PCB PT 10-01 Public School Assessments
SPONSOR(S): Full Appropriations Council on Education & Economic Development, PreK-12 Policy Committee and Legg
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee	13 Y, 1 N	Duncan	Ahearn
1)	Full Appropriations Council on Education & Economic Development	15 Y, 0 N, As CS	Heflin	Voyles
2)	Education Policy Council		White <i>W</i>	Lowell <i>P</i>
3)				
4)				
5)				

SUMMARY ANALYSIS

The Proposed Committee Substitute for CS/HB 7053 (the bill) requires geometry and Algebra II as two of the four mathematics credits needed for graduation and Biology I, chemistry or physics, and an equally rigorous course as the three science credits needed for graduation. For students selecting the accelerated college preparatory or career preparatory graduation options, the bill increases the required mathematics credits from three to four credits.

The bill requires end-of-course (EOC) assessments to be administered in the following courses:

- Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, passage of the EOC assessment is required to earn course credit.
- Geometry. Beginning with students entering grade 9 in the 2012-2013 school year, passage of the EOC assessment is required to earn course credit.
- Biology I. Beginning with students entering grade 9 in the 2012-2013 school year, passage of the EOC assessment is required to earn course credit.

The bill directs the Commissioner of Education to develop an implementation schedule for the development and administration of additional EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and world history, subject to funding availability. A student's performance on these statewide, standardized EOC assessments must constitute at least 30 percent of the student's course grade.

If a student does not pass a statewide, standardized EOC assessment, the bill authorizes the use of equivalent scores through other nationally recognized high school achievement tests and industry certification tests in order to meet the assessment requirement. The State Board of Education is required to establish two cut scores for each EOC assessment: a passing score and a score indicating that a student is high achieving and has the potential to meet college-readiness standards. The bill creates the Credit Acceleration Program to allow a student to earn high school course credit without being enrolled in the course if the student attains a passing score on a statewide, standardized EOC assessment.

The bill eliminates grade 9 and grade 10 FCAT Mathematics and FCAT Science at the high school level. The bill eliminates requirements for a revised FCAT Writing beginning with the 2012-2013 school year. The current FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels as provided in current law.

The bill requires the use of achievement levels for all comprehensive and EOC assessments. Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment. The bill requires high schools to provide acceleration courses and advise students of such courses. The bill repeals the provisions relating to high school major and minor areas of interest.

The Office of Program Policy Analysis and Government Accountability is directed to conduct a study on the different types of diplomas offered in other states. The study must provide information regarding differentiated high school diploma options and endorsements that other states offer. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2011.

See the FISCAL COMMENTS section of this analysis.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

Standards and Assessments

According to the Southern Regional Education Board, the purpose of high school is not only to graduate students, but to prepare them for responsible citizenship and their next step — a bachelor's or associate's degree, transfer study, a career/technical degree or certificate, a career program, employment, or the military.¹

Being college-ready means a high school graduate has the reading, writing, and math knowledge and skills to qualify for and succeed in entry-level, credit-bearing, college-degree courses without the need for remedial classes. Similarly, being career-ready — ready to enter and advance in a job or succeed in training for a good job — means that high school graduates can read, comprehend, interpret, and analyze complex technical materials, can use mathematics to solve problems in the workplace, and can pass a state-approved industry certification or licensure exam in their field.²

According to information received from the American Diploma Project (ADP), 55 percent of all students entering Florida's public postsecondary institutions require remediation in math, reading, and/or writing. In 2005-2006, the total cost of postsecondary remediation was \$129.8 million, with the state paying more than half of these costs (\$70 million). Also, employers estimate that 45 percent of recent high school graduates lack the skills to advance.³

To cover the content necessary to be college- and career-ready, students need to complete a rigorous sequence of courses, which, according to ADP, includes four courses in mathematics covering Algebra I and II, geometry, and a fourth course such as statistics or precalculus. Florida's graduation requirements do not currently meet these standards.

In addition, studies show that low-achieving students fail less often in rigorous courses;⁴ that if high schools had demanded more, graduates would have worked harder;⁵ and that a majority of graduates

¹ Southern Regional Education Board, *The Next Generation of School Accountability: A Blueprint for Raising High School Achievement and Graduation Rates in SREB States*, 2009, at 9.

² *Id.*

³ Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

⁴ Cooney, Sondra and Gene Bottoms, Southern Regional Education Board, *Middle Grades to High School: Mending a Weak Link*, 2002, at 9.

would have taken harder courses.⁶ Finally, research indicates that taking Algebra II is critical for both college and career.⁷

Over the past few years, more states are using end-of-course (EOC) assessments to measure student performance at the high school level. The results of EOC assessments can provide more specific information about student performance. Schools can use the results to determine more exactly what specific course content and skills students have mastered, and what they have not.⁸ Calling a course biology or Algebra I does not ensure a common level of content from one classroom to the next. Implementing statewide, standardized EOC assessments serves as a means of consistently evaluating the rigor of content in high school courses across a state.⁹

In testimony provided during the January 13, 2010, meeting of the Florida House of Representatives PreK-12 Policy Committee, the President of the Southern Regional Education Board stressed the importance of transitioning to EOC assessments methodically and over a period of time. He also emphasized the importance of introducing a small number of EOC assessments and limiting EOC assessments to courses such as Algebra I and Biology I.

Statewide Assessment Program

Florida Comprehensive Assessment Test (FCAT)

Current Law

The FCAT is a part of the statewide assessment program, which measures a student's content knowledge and skills and the achievement of the benchmarks contained in Florida's Next Generation Sunshine State Standards.¹⁰ The FCAT consists of criterion-referenced tests in reading, writing, mathematics, and science.¹¹

Comprehensive assessments of reading and mathematics must be administered annually in grades 3 through 10. Comprehensive assessments of writing and science are administered at least once at the elementary, middle, and high school levels.¹² Students are tested in writing in grades 4, 8, and 10; reading and mathematics in grades 3 through 10; and science in grades 5, 8, and 11.¹³

In addition to earning credits in the required high school courses, students must also pass the reading and mathematics portions of the Grade 10 FCAT or attain concordant scores on either the SAT or American College Test (ACT) to receive a standard high school diploma.¹⁴

Beginning with the 2012-2013 school year, FCAT Writing must be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which must measure a student's content knowledge of writing, including but not limited to,

⁵ Peter D. Hart Research Associates/Public Opinion Strategies, *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* Prepared for Achieve, Inc., 2005.

⁶ *Id.*

⁷ *Id.*; see also, *Achieve Report: Out of Many, One: Toward Rigorous Common Core Standards from the Ground Up*, July 2008, at 4.

⁸ Southern Regional Education Board, *The Changing Roles of Statewide High School Exams*, 2007, at p. 17. Available at http://www.sreb.org/page/1095/high_schools.html (last visited January 20, 2010).

⁹ Education Commission of the States, *High School Level STEM Initiatives*, 2008. Available at <http://mb2.ecs.org/reports/Report.aspx?id=1409> (last visited January 20, 2010).

¹⁰ s. 1008.22(3)(c), F.S.; See Florida Department of Education, FCAT Frequently Asked Questions. Available at <http://www.fldoe.org/fag/default.asp?Dept=179&Cat=95> (last visited January 20, 2010).

¹¹ s. 1008.22(3)(c), F.S.

¹² *Id.*

¹³ Florida Department of Education. FCAT Fact Sheet, 2008. Available at <http://fcats.fldoe.org/fcatpub3.asp> and Rule 6A-1.09422(3)(a), F.S.

¹⁴ s. 1003.428(4)(b) and s. 1003.429(5)(a), F.S.

paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, and parts of speech.¹⁵

Florida, represented by the Department of Education (DOE), is partnering with the Common Core State Standards Initiative to develop a common core of state standards in English-language arts and mathematics for grades K-12.¹⁶ It is anticipated that the transition to the Common Core Standards for Writing will begin in the 2011-2012 school year and a common core assessment will be available by the 2014-2015 school year.¹⁷

Effect of Proposed Changes

The bill eliminates Grade 9 FCAT Mathematics, beginning with the 2010-2011 school year; Grade 10 FCAT Mathematics, beginning with the 2011-2012 school year; and FCAT Science administered at the high school level, beginning with the 2011-2012 school year.

The bill removes the multiple performance tasks required for FCAT Writing beginning with the 2012-2013 school year, thereby avoiding the significant costs associated with developing a new assessment.¹⁸ The current FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels as provided in current law.¹⁹ It is anticipated that the Common Core Standards for Writing will be adopted in 2010 and the Common Core writing assessment will be available in the 2014-2015 school year; accordingly, developing a new writing assessment prior to possibly implementing the Common Core writing assessment would appear fiscally imprudent.²⁰

End-Of-Course (EOC) Assessments

Current Law

Current law authorizes an EOC assessment for a subject to be administered in addition to the comprehensive assessments required for that subject. An EOC assessment must be rigorous, statewide, standardized, and developed or approved by the DOE. The content knowledge and skills assessed by comprehensive and EOC assessments must be aligned to the core curricular content established in the Sunshine State Standards.²¹

The Commissioner of Education (COE) may select one or more nationally developed comprehensive examinations for use as an EOC assessment, including but not limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications, if the COE determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards.²² To date, the COE has not selected any examinations for use as an EOC assessment.

The COE is authorized to collaborate with the American Diploma Project in the adoption or development of rigorous EOC assessments that are aligned to the Next Generation Sunshine State Standards.²³

¹⁵ *Id.*

¹⁶ The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers. The Governors and commissioners of education from 48 states and 2 territories and the District of Columbia are participating in the initiative. See <http://www.corestandards.org/>.

¹⁷ Florida Department of Education, Office of Assessment, *Writing Assessment in Florida*, February 2010.

¹⁸ *Id.*

¹⁹ s. 1008.22(3)(c), F.S. and Rule 6A-1.09422, F.A.C.

²⁰ See *supra* text accompanying fn 18.

²¹ s. 1008.22(3)(c), F.S.

²² *Id.*

²³ *Id.*

The DOE is conducting field test²⁴ administrations of the Algebra I assessment during the current 2009-2010 school year and plans to field test a Biology I EOC assessment during the 2010-2011 school year.²⁵

Effect of Proposed Changes

The bill requires three EOC assessments, as follows:

Mathematics Courses

- Algebra I

Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I EOC assessment.

Students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-2008 through 2009-2010 school years and who have not taken Grade 10 Mathematics must take the Algebra I EOC assessment during the 2010-2011 school year.

For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent, a student's performance on the EOC assessment in Algebra I will constitute 30 percent of the student's final course grade.

Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the EOC assessment in Algebra I or attain an equivalent score²⁶ in order to *earn course credit*.

- Geometry

Beginning with the 2011-2012 school year, all students enrolled in geometry or an equivalent course must take the geometry EOC assessment.

For students entering grade 9 during the 2011-2012 school year, a student's performance on the EOC assessment in geometry will constitute 30 percent of the student's final course grade.

Beginning with students entering grade 9 in the 2012-2013 school year, a student must earn a passing score on the EOC assessment in geometry or attain an equivalent score in order to *earn course credit*.

Science Course

- Biology I

Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I EOC assessment.

For students entering grade 9 during the 2011-2012 school year, a student's performance on the EOC assessment in Biology I will constitute 30 percent of the student's final course grade.

²⁴ Field-test questions are newly-developed questions that must be tested for at least one year before they are used to decide a student's score. If the data on the field-test questions are acceptable, the questions may be used on an actual test and count toward a student's score. <http://www.fldoe.org/faq/default.asp?Dept=202&ID=656> (last visited January 21, 2010).

²⁵ Florida Department of Education, Office of Assessment, *Transition to Next Generation and Computer-Based Tests in Florida: Plans Currently Included in the FCAT Contract*, January 2010. Field test administrations will occur in a sample of high schools.

²⁶ The bill directs the COE to analyze the content and equivalent data sets for high school achievement tests such as the grade 10 Mathematics retakes until such retakes are discontinued, the PSAT, the PLAN, the SAT, the ACT, and the College Placement Test, to assess if equivalent scores for EOC assessment scores can be determined. When content alignment and equivalent scores can be determined, the COE must adopt those scores as meeting the requirement to pass the EOC assessment and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. See Discussion of Concordant and Equivalent Scores at p. 8.

Beginning with students entering grade 9 in the 2012-2013 school year, a student must earn a passing score on the EOC assessment in Biology I in order to *earn course credit*.

The bill directs the COE to establish an implementation schedule for the development and administration of statewide, standardized EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and world history, contingent upon funding provided in the General Appropriations Act, including appropriation of federal funds. The student's performance on these statewide, standardized EOC assessments must constitute at least 30 percent of a student's course grade.

Priority must be given to the development of an EOC assessment in English/Language Arts II. The COE is directed to evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an EOC assessment in English/Language Arts II. The COE must report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2011.

Achievement Levels

Current Law

FCAT Achievement Levels are based on both scale scores and developmental scale scores²⁷ and range from Level 1 (lowest) to Level 5 (highest).²⁸ Scores on FCAT Writing are reported on a score scale from 1 to 6 defined by the FCAT Writing holistic rubrics.²⁹

Effect of Proposed Changes

The bill requires (as is current practice) the use of achievement levels 1 through 5 for all comprehensive and EOC assessments. FCAT Reading, Mathematics, and Science and all statewide, standardized EOC assessments must measure the content knowledge and skills a student has attained by use of scaled scores and achievement levels. Achievement level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance.³⁰

The bill also codifies the current practice of scoring FCAT Writing using the rubric scale ranging from 1 through 6 and incorporating scores earned in calculating school grades.

Passing Scores

Current Law

The State Board of Education (SBE), by rule, establishes the passing scores for statewide assessments. If the COE revises a statewide assessment and the revisions require the SBE to modify the assessment's proficiency levels or modify the passing scores required for a standard high school diploma, until the SBE adopts the modifications by rule, the COE must use calculations for scoring the assessment which adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment.³¹ A student must attain the passing scores on the statewide

²⁷ Scale scores are reported for all FCAT Sunshine State Standards (SSS) subjects, except FCAT Writing, and range from 100 (lowest) to 500 (highest). Developmental Scale Scores (DSS) are only reported for FCAT SSS Reading and Mathematics and range from 0 to 3000 across grades 3 through 10. DSS link two years of student FCAT data that track student progress over time. Students should receive higher scores as they move from grade to grade according to their increased achievement. See Rule 6A-1.09422(5), F.A.C. and <http://www.fcat.fldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

²⁸ <http://www.fcat.fldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

²⁹ Rule 6A-1.09422, F.A.C.

³⁰ Currently, student performance on FCAT Reading, Mathematics, and Science are evaluated using the five achievement levels; however, current law does not identify or define the five levels.

³¹ s. 1008.22(9)(a), F.S.

assessment required for a standard high school diploma which are in effect at the time the student enters grade 9 if the student's enrollment is continuous.³²

Should the COE revise a statewide assessment and the revisions require the SBE to modify the passing scores required for a standard high school diploma, the COE is authorized to, with approval of the SBE, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. The SBE must adopt, by rule, passing scores for the revised assessment which are statistically equivalent to passing scores on the discontinued assessment for a student to attain passing scores on the discontinued assessment.³³

Effect of Proposed Changes

The bill requires the SBE to designate passing scores for EOC assessments.³⁴ In addition, the SBE must designate a score for each statewide, standardized EOC assessment which indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

Concordant Scores

Current Law

The SBE is required to analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT and College Placement Test, to assess if concordant scores can be determined for high school graduation, college placement and scholarship awards.

If a student fails to attain passing scores on the Grade 10 FCAT, the student may attain concordant scores on either the SAT or ACT.³⁵ A student must take each subject area of the Grade 10 FCAT a total of three times without earning a passing score in order to use concordant scores from the SAT or ACT. A new student entering the Florida public school system in the 12th grade may use a concordant score without taking the FCAT.³⁶ Current law does not address whether students who take the SAT or ACT tests and achieve a concordant score *prior* to taking the Grade 10 FCAT are allowed to use that score to satisfy graduation requirements.

Effect of Proposed Changes

The bill revises the use of concordant scores for the FCAT as follows:

- Requires the COE, rather than the SBE, to analyze the content and concordant data sets for nationally recognized, rather than widely used, high school achievement tests and to assess if concordant scores for FCAT scores can be determined for high school graduation only, rather than, in addition to, college placement and scholarship awards.
- Provides that a student who has not earned a passing score on the grade 10 FCAT must participate in each retake of the assessment until the student earns a passing score on a concordant assessment.

³² s. 1008.22(9)(b), F.S.

³³ s. 1008.22(9)(c), F.S.

³⁴ An EOC assessment must be field-tested. In the following year, the EOC assessment is administered to establish baseline performance data. The SBE will not establish a passing score for the baseline administration of the assessment because no comparison can be made. The baseline exam should be scored 1 to 100. Therefore, the raw score a student receives, e.g., 70 points, will be used as 30 percent of the student's grade. The teacher will average the raw score received on the EOC assessment with other performance and/or participation data, such as quizzes, classroom and homework assignments, and projects in order to determine a student's grade. When the EOC assessment is administered in the year following the baseline assessment, the SBE will establish a passing score and the range of scores for each of the five achievement levels.

³⁵ s. 1008.22(10), F.S.

³⁶ s. 1008.22(10), F.S.

- Removes the requirement that a student must take the grade 10 FCAT a total of three times without earning a passing score before concordant scores can be used to satisfy the assessment requirement for a standard high school diploma. The DOE maintains that the requirement to take and fail the FCAT three times prior to using a concordant score is frustrating for students and particularly difficult for students transferring into a Florida school district toward the end of grade 11 and in grade 12. The FCAT summer retakes were eliminated due to budget cuts, making it more difficult to retake the test.³⁷

For EOC assessments, the bill directs the COE to analyze the content and equivalent data sets for high school achievement tests and industry certification tests under the Certification Funding List, such as the grade 10 Mathematics retakes until such retakes are discontinued, the PSAT, the PLAN, the SAT, the ACT, and the College Placement Test, to assess if equivalent scores for EOC assessment scores can be determined. When content alignment and equivalent scores can be determined, the COE must adopt those scores as meeting the requirement to pass the EOC assessment and may adopt those scores as being sufficient to achieve additional purposes as determined by rule.

New equivalent scores must be established each time that assessment content or scoring procedures change for an EOC assessment or for a high school achievement test or an industry certification test under the Certification Funding List for which an equivalent score is determined. Use of equivalent scores for purposes of grade adjustment, grade forgiveness, or credit recovery is contingent upon and subject to school board rule.

Assessment Testing Schedules

Current Law

The COE is required to establish schedules for the administration of statewide assessments and the reporting of student test results. By August 1 of each year, the COE must notify each school district in writing and publish on the DOE's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year.³⁸

The testing and reporting schedules must require the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible based on the available technology and funding; however, test results must be made available no later than the final day of the regular school year for students.³⁹

Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing cannot be administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject cannot be administered earlier than the week of April 15.⁴⁰

A statewide, standardized EOC assessment is required to be administered within the last two weeks of the course.⁴¹

Effect of Proposed Changes

The bill requires the COE to consider the observance of religious and school holidays when establishing the schedules for the administration of statewide assessments.

The bill changes the current requirement that FCAT test results must be made available no later than the final day of the regular school year to no later than the week of June 8.

The bill revises the EOC assessment testing schedule as follows:

³⁷ Conversation with the Department of Education staff concerning HB 7087 during the 2009 Legislative Session.

³⁸ s. 1008.22(3)(c)12., F.S.

³⁹ s. 1008.22(3)(c)12.a., F.S.

⁴⁰ s. 1008.22(3)(c)12.b., F.S.

⁴¹ s. 1008.22(3)(c)12.c., F.S.

- Changes the requirement that a statewide, standardized EOC assessment be administered within a two-week period by authorizing the EOC assessment to be administered during a three-week period at the end of a year-long course.
- Requires the COE to select a three-week period for the administration of the assessment in order to provide student results prior to the end of the course.
- Requires school districts to select one testing week within the three-week administration period for each EOC assessment.
- Requires the COE to determine the most appropriate testing dates, based on a school district's academic calendar, for EOC assessments administered at the end of the first semester.

The bill requires that EOC assessment results be provided no later than one week after the school district completes testing for each course.

Waiver of FCAT for Certain Students

Current Law

School districts are required to provide instruction to prepare students with disabilities to demonstrate proficiency in the core content knowledge and skills necessary for such students to progress from grade-to-grade and to graduate from high school.⁴²

For a student with a disability, if the individual education plan (IEP) committee determines that the FCAT cannot accurately measure a student's abilities, then the FCAT requirements must be waived for the purpose of receiving a standard high school diploma. In addition, in order for the FCAT requirement to be waived, the student must have completed the minimum number of credits and met the other requirements for high school graduation and must have taken FCAT reading and mathematics once in the 10th grade and once in the 11th grade.⁴³

The SBE is required to adopt rules, based upon recommendations of the COE, for the provision of test accommodations for students in exceptional education programs⁴⁴ and for students who have limited English proficiency.⁴⁵ Accommodations negating the validity of a statewide assessment are not permitted in the administration of the FCAT. However, instructional accommodations are permitted in the classroom if the accommodations are included in the student's IEP. Students in exceptional education programs using instructional accommodations in the classroom that are not permitted as accommodations on the FCAT may have the FCAT requirement waived for the purpose of receiving a standard high school diploma if other statutory requirements are met.⁴⁶

Effect of Proposed Changes

Like current law regarding the FCAT, the bill provides that if the individual education plan committee determines that an EOC assessment cannot accurately measure the abilities of a student with a disability, considering all allowable accommodations, then the results of the EOC assessment must be waived for the purpose of determining the student's course grade and credit.

⁴² s. 1003.428(8)(a), F.S.

⁴³ s. 1003.428(8)(b), F.S.

⁴⁴ District school boards are statutorily required to provide exceptional students in grades K-12 with special education services, also known as exceptional student education (ESE), which include related services such as transportation, appropriate diagnosis, evaluation, special instruction, facilities, and services such as physical and occupational therapy. s. 1003.01(3)(b), F.S.

⁴⁵ Instruction in the English language must be provided to limited English proficient students. The instruction must be designed to develop the student's mastery of the four language skills, including listening, speaking, reading, and writing, as rapidly as possible. s. 1003.56(1), F.S.

⁴⁶ s. 1008.22(3)(c)6., F.S.

Echoing current law with regard to the FCAT, the bill provides that accommodations for students in exceptional education programs and for students who have limited English proficiency that negate the validity of a statewide assessment are not allowable in the administration of EOC assessments. In addition, students in exceptional education programs using instructional accommodations in the classroom that are not allowable on the EOC assessment may have the EOC assessment waived for the purpose of receiving a standard high school diploma if other statutory requirements are met.

High School Credit Requirements

24-Credit Graduation Option

Current Law

To graduate from high school and receive a standard diploma, students must complete an accelerated college or career preparatory program,⁴⁷ an International Baccalaureate (IB) curriculum, an Advanced International Certificate of Education (AICE) curriculum, or earn 24 credits in required courses and pass the Grade 10 FCAT.⁴⁸ Of the 24 credits, 16 credits are core curriculum credits comprised of: four credits in English; four credits in mathematics; three credits in science; three credits in social studies; one credit in fine or performing arts, speech and debate, or a practical arts course; and one credit in physical education to include integration of health.⁴⁹

Mathematics Courses

Of the four credits required in mathematics, one must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

There are several options available for students to meet the mathematics credit requirements. Courses equivalent to Algebra I include Algebra Ia and Ib, Applied Math I and Math II and pre-AICE Math I. In addition, there are a series of integrated mathematics courses (Integrated Math I and II) that incorporate Algebra I and II and geometry. Courses equivalent to Algebra II are Integrated Math II and III. Courses equivalent to geometry include Informal Geometry, Analytical Geometry, and Analytical Geometry IB. Algebra I, geometry, and Algebra II all have equivalent honors level courses.⁵⁰

In 2008-2009, 59 percent of grade 9 students were enrolled in Algebra I or an equivalent and 27 percent of grade 8 students were enrolled in Algebra I or an equivalent. In 2008-2009, 47 percent of grade 10 students were enrolled in geometry or an equivalent and 21 percent of grade 9 students were enrolled in geometry or an equivalent.⁵¹

Science Courses

Of the three credits required in science, two must have a laboratory component. However, no specific science courses are identified.⁵²

Courses equivalent to Biology I include Integrated Science 3, AICE Biology I, Advance Placement (AP) Biology, and Biology I Pre-IB. There are also Biology I Honors and Integrated Science 3 Honors

⁴⁷ See text accompanying infra notes 64, 65, and 66.

⁴⁸ s. 1003.428(4)(b), F.S., and s. 1008.22(3)(c), F.S.

⁴⁹ s. 1003.428(1), F.S.

⁵⁰ Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

⁵¹ *Id.*

⁵² s. 1003.428(2)(a), F.S.

courses.⁵³ In 2008-2009, 46 percent of grade 10 students were enrolled in biology or an equivalent and 33 percent of grade 9 students were enrolled in biology or an equivalent.⁵⁴

Courses equivalent to chemistry include a series of Integrated Science 1, 2, and 3; AICE Chemistry 1; and Chemistry 1 Pre-IB. There are also Chemistry 1 Honors and Integrated Science 1, 2, and 3 Honors courses. Courses equivalent to physics include Physics 1 Honors, AICE Physics, and Physics 3 IB.⁵⁵

In 2008-2009, 74 percent of the middle or high school students were enrolled in either a chemistry course *or* a physics course. In 2008-2009, 22 percent of the middle or high school students were enrolled in a chemistry course *and* a physics course.⁵⁶

Majors, Minors, and Elective Courses

Of the 8 credits in major, minors, or electives required for high school graduation, 4 credits must be in a major area of interest, such as sequential courses in a career and technical program, fine and performing arts, or academic content area, selected by a student as part of the student's electronic personal education plan.⁵⁷ District school boards are required to annually approve the major areas of interest and submit the list to the COE for approval. In addition, 4 credits in elective courses selected by the student as part of the electronic personal education plan are also required. These credits may be combined to allow for a second major of interest, a minor area of interest, elective courses, or intensive reading or mathematics intervention courses.⁵⁸

Effect of Proposed Changes

The bill modifies the 24-credit high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively.

The bill provides the following schedule for the requirement of specific courses:

Mathematics Courses

Beginning with students entering grade 9 in the 2010-2011 school year

- In addition to Algebra I, which is currently required by law, one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.⁵⁹

Beginning with students entering grade 9 in the 2012-2013 school year

- In addition to Algebra I and geometry, one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.⁶⁰

⁵³ Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

⁵⁴ *Id.*

⁵⁵ Correspondence with the Department of Education concerning PCB PT 10-01, February 16, 2010.

⁵⁶ *Id.*

⁵⁷ Each grade 7 or grade 8 student is required to complete an electronic personal education plan using an online student advisory system known as Florida Academic Counseling and Tracking for Students. s. 1003.4156(1)5., F.S.

⁵⁸ s. 1003.428(2)(b), F.S.

⁵⁹ See discussion of End-of-Course (EOC) Assessments in this analysis at pp. 6-7.

⁶⁰ The number of mathematics credits required is not being increased. Therefore, the number of teachers required will not increase and there are no increased costs. Certification requirements are not specific to courses. Teachers certified to teach mathematics in grades 5 through 9 are eligible to teach Algebra I and geometry. Teachers certified to teach mathematics in grades 6 through 12 are eligible to teach all mathematics course requirements. Purchases of mathematics instructional materials are scheduled for 2010-2011. Correspondence with the Department of Education concerning PCB PT 10-01, February 16, 2010.

Science Courses

Beginning with students entering grade 9 in the 2011-2012 school year

- One of the three science credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE.⁶¹

Beginning with students entering grade 9 in the 2013-2014 school year

- In addition to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the SBE, and one credit must be an equally rigorous course, as determined by the SBE.⁶²

Majors, Minors, and Elective Courses

The bill deletes the requirement that students earn 4 credits in a major area of interest. In addition, the 4 credits in elective courses selected by the student as part of the electronic personal education plan that may be combined to allow for a second major of interest, a minor area of interest, elective courses, or intensive reading or mathematics intervention courses is also eliminated. The 8 credits in electives are still required and intensive courses in reading and mathematics are still available based on a student's needs.

Accelerated High School Graduation

Current Law

In addition to the traditional 24-credit/4-year option, students may choose an accelerated 18-credit/3-year College Preparatory Program option or an accelerated 18-credit/3-year Career Preparatory Program option. Students choosing one of these options must also pass the grade 10 FCAT in reading and mathematics or attain concordant scores on either the SAT or the ACT.⁶³

Students selecting an accelerated 18-credit/3-year College Preparatory Program must complete three credits in mathematics at the Algebra I level or higher that qualify for state university admission and three credits in electives.⁶⁴

Students selecting an accelerated 18-credit/3-year Career Preparatory Program must complete three credits in mathematics, one of which must be Algebra I and two credits in electives.⁶⁵

Effect of Proposed Changes

The bill modifies the 18-credit accelerated college preparatory and career preparatory high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The bill also increases the required mathematics credits from three to four.

⁶¹ See discussion of End-of-Course (EOC) Assessments in this analysis at pp. 6-7.

⁶² The number of science credits required is not being increased. Therefore, the number of teachers required to teach science will not increase and there are no increased costs. The certification requirements specific to science areas are: biology (grades 6 through 12), chemistry (grades 6 through 12), and physics (grades 6 through 12). In the next three years, Florida will need to produce and recruit teachers to teach chemistry or physics. Another option is to fulfill the science course requirements with equivalent integrated courses which allow more flexibility with required certification. Purchases of science instructional materials are scheduled for 2010-2011. Correspondence with the Department of Education concerning PCB PT 10-01, February 16, 2010.

⁶³ s. 1003.428, 1003.429 and s. 1003.43, F.S.

⁶⁴ s. 1003.429(1)(b)2.& 6., F.S.

⁶⁵ s. 1003.429(1)(c)2.& 6., F.S.

Mathematics Courses

Beginning with students entering grade 9 in the 2010-2011 school year

- In addition to Algebra I, which is currently required by law, one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.⁶⁶

Beginning with students entering grade 9 in the 2012-2013 school year

- In addition to Algebra I and geometry, one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.

Science Courses

Beginning with students entering grade 9 in the 2011-2012 school year

- One of the three science credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE.⁶⁷

Beginning with students entering grade 9 in the 2013-2014 school year

- In addition to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the SBE and one credit must be an equally rigorous course, as approved by the SBE.

For the accelerated college preparatory graduation option the bill reduces electives from three to two credits and for the career preparatory graduation option the bill reduces electives from two credits to one credit.

Course Credit

Current Law

For the purpose of meeting high school graduation requirements, "one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards."⁶⁸ For a district school authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of actual instruction.⁶⁹

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that must include courses provided on a full-year basis. "A student enrolled in a full-year course [must] receive one-half credit if the student successfully completes either the first half or the second half of a full-year course, but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would *not result in a passing grade*."⁷⁰

A student enrolled in a full-year course must receive a full credit if the student successfully completes either the first half or the second half of a full-year course, but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would result in a *passing grade*, provided that such additional requirements specified in district school board policies, such as class attendance, homework, participation, and other indicators of performance, are successfully completed by the student.⁷¹

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ s 1003.436(1)(a), F.S.

⁶⁹ s. 1003.436(1), F.S.

⁷⁰ s. 1003.436(2), F.S. (emphasis added).

⁷¹ *Id.*

Effect of Proposed Changes

When, under the bill, a student is required to pass the EOC assessment to pass the course (i.e., Algebra I, geometry, and Biology I), a student who successfully completes the first half of a year long course, but fails the EOC assessment, may not earn a full credit in the course regardless of whether averaging the grades obtained in each would result in a passing grade. However, the student may earn a half credit as provided in current law.⁷²

Transfer of Credits and Grades Earned

Current Law

Each school principal is required to maintain a permanent cumulative record for each student enrolled in a public K-12 school.⁷³ The SBE, by rule, prescribes the procedures relating to transferring and maintaining records of students who transfer from school to school and procedures relating to the acceptance of transfer work and credit for students.⁷⁴ Credits and grades earned and offered for acceptance must be based on official transcripts and must be accepted at face value subject to validation if necessary.⁷⁵

Effect of Proposed Changes

For students who transfer into a Florida public high school, the principal is authorized to determine, in accordance with SBE rule, whether the student must take an EOC assessment in a course for which the student has credit that was earned from the previous school.

Middle Grades Students Enrolled in High School Level Courses

Current Law

Each middle school must offer at least one high school level mathematics course for which students may earn high school credit.⁷⁶ In 2008-2009, 63,178 grade 8 students were enrolled in Algebra I or an equivalent and 13,648 grade 7 students were enrolled in Algebra I or an equivalent.⁷⁷ In 2008-2009, 8,834 grade 8 students were enrolled in geometry or an equivalent and 87 grade 7 students were enrolled in geometry or an equivalent.⁷⁸

Effect of Proposed Changes

For purposes of a course grade or for middle grades promotion, a middle school student's successful completion of a high school level Algebra I, geometry, or Biology I course is not contingent upon the student's performance on the EOC assessment. However, the student is required to pass the EOC assessment in an Algebra I, geometry, or Biology I course in order to receive high school credit.

School Grades

Current Law

All public schools, including charter schools, which have at least 30 students with valid FCAT scores in reading for the current and prior years and at least 30 students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.⁷⁹ Student achievement data from the FCAT

⁷² s. 1003.436, F.S.

⁷³ s. 1003.25(1), F.S.

⁷⁴ s. 1003.25, F.S. See Rule 6A-1.09941(1), F.A.C., and Rule 6A-1.09942(1), F.A.C.

⁷⁵ Rule 6A-1.09941(1), F.A.C. and Rule 6A-1.09942(1), F.A.C.

⁷⁶ s. 1003.4156(1)(a)2., F.S.

⁷⁷ Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

⁷⁸ *Id.*

⁷⁹ s. 1008.34(3)(a)1., F.S. and Rule 6A-1.09981(4), F.A.C.

are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.⁸⁰

Currently, 50 percent of a high school's grade is based upon a combination of:

- Student achievement scores on FCAT, i.e., reading, writing, mathematics, and science;
- Student learning gains as measured by annual FCAT assessments in reading and mathematics; and
- "Improvement of the lowest 25th percentile of students in the school in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance."⁸¹ Despite the statutory requirement, learning gains cannot be calculated for FCAT Writing because it is only administered once at the elementary, middle, and high school levels.

The remaining 50 percent is based upon the:

- High school's graduation rate;
- High school's graduation rate of at-risk students scoring at achievement Level 1 or 2 in reading and mathematics on the Grade 8 FCAT;
- Performance and participation of the school's students in AP, IB, dual enrollment, and AICE courses (as valid data becomes available);⁸²
- Achievement by the school's students of industry certification in a career and professional academy;⁸³
- Postsecondary readiness of the school's students, as measured by the SAT, ACT, or the Common Placement Test;⁸⁴
- Performance of the school's students on statewide, standardized EOC assessments approved by the DOE (as valid data becomes available); and
- Growth or decline in these components.⁸⁵

In addition, a high school may not receive an "A" unless its at-risk students (scoring at achievement Level 1 or 2 in reading and mathematics on the grade 8 FCAT) make adequate progress.⁸⁶

Effect of Proposed Changes

The bill includes student performance on EOC assessments as a component for determining a high school's grade. The bill provides that a high school's grade is based on:

⁸⁰ s. 1008.34, F.S.

⁸¹ s. 1008.34(3)(b)1.c., F.S.

⁸² See ss. 1007.27 & 1007.271, F.S. (articulated acceleration mechanisms, dual enrollment); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited January 21, 2010); International Baccalaureate, <http://www.ibo.org> (last visited January 21, 2010); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited January 21, 2010).

⁸³ See s. 1003.493, F.S.

⁸⁴ See s. 1008.30, F.S. (common placement test assesses the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution); *College Board, About the SAT*, <http://www.collegeboard.com/student/testing/sat/about.html> (last visited January 21, 2010); ACT, Inc., *The ACT Test*, <http://www.act.org/aap> (last visited January 21, 2010).

⁸⁵ s. 1008.34(3)(b)2. & (c)4., F.S.

⁸⁶ s. 1008.34(3), F.S.

- Student achievement scores on FCAT Reading and Writing *and* adds performance on EOC assessments in Algebra I, geometry, and Biology I.⁸⁷
- Student learning gains as measured by FCAT Reading *and* adds performance on Algebra I and geometry EOC assessments.
- Improvement of the lowest 25th percentile of students in FCAT Reading *and* adds performance on Algebra I and geometry EOC assessments.
- Achievement by the school's students of national industry certifications identified in the Industry Certification Funding List pursuant to rules adopted by the SBE.⁸⁸

An integral component of Florida's school accountability system, student learning gains, including improvement of a school's lowest 25th percentile of students, can continue to be calculated, using EOC assessment data for Algebra I and geometry, in lieu of performance data from Grade 9 and Grade 10 FCAT Mathematics.⁸⁹

With respect to school grades, the requirement to include improvement of the school's lowest 25th percentile on FCAT Writing is removed because learning gains cannot be calculated since FCAT Writing is only administered once at the elementary, middle, and high school levels.

School Improvement Ratings

Current Law

An alternative school that provides dropout prevention and academic intervention services receives a school improvement rating which is based on the aggregate test scores of all students enrolled in the school who have been assessed on the FCAT and who have FCAT scores or comparable scores for the preceding school year and all students enrolled in the school who have scored in the lowest 25th percentile of students in the state on FCAT Reading.⁹⁰

Effect of Proposed Changes

The bill includes performance of students on statewide, standardized EOC assessments as a factor in determining school improvement ratings.

Acceleration Courses

Current Law

Current law authorizes a variety of articulated acceleration mechanisms for secondary⁹¹ and postsecondary students attending public educational institutions. Articulated acceleration mechanisms serve to reduce the time necessary for a student to complete the requirements associated with the

⁸⁷ The bill authorizes additional statewide, standardized EOC assessments to be developed and administered, contingent upon the appropriation of funds, in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and World History. A student's performance on these EOC assessments constitutes at least 30 percent of a student's course grade. If these EOC assessments are developed and administered, then a high school's grade must be based upon the performance of a high school's students on statewide, standardized EOC assessments as part of the remaining 50 percent of the high school's total grade. *See* discussion of End-of-Course (EOC) Assessments in this analysis at pp. 6-7 and s. 1008.34(3)(b)4.h., F.S.

⁸⁸ The Industry Certification Funding List is incorporated by reference in Rule 6A-6.0573, F.A.C., and may be obtained from the Department of Education's website at <http://www.fldoe.org/workforce/fcpea/default.asp>. *See* s. 1003.493, F.S., Rule 6A-6.0573, F.A.C., and s. 1011.62(1)(o), F.S.

⁸⁹ Correspondence from staff of the Florida Department of Education and information provided by the Florida Department of Education, Division of Accountability, Research and Measurement, *Learning Gains Proposal for Florida EOC Assessments*, October 9, 2009.

⁹⁰ s. 1008.341, (2) and (3), F.S.

⁹¹ Secondary schools are schools that primarily serve students in grades 6 through 12. *See* s. 1003.413, F.S.

receipt of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.⁹²

Acceleration courses through which a high school student can earn postsecondary course credit include dual enrollment, AP, IB, AICE, and industry certification.⁹³ Credit earned through the Florida Virtual School also provides additional opportunities for acceleration.⁹⁴

During the 2008-2009 school year, of the 474 schools with students in grades 9-12, 459, or 97 percent, had students enrolled in dual enrollment, AP, IB, or AICE.⁹⁵

Effect of Proposed Changes

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options⁹⁶ must be advised of the availability of IB, AICE, AP, dual enrollment courses, career academy courses, and courses that lead to national industry certification courses, as well as the availability of course offerings through the virtual instruction.⁹⁷ Beginning with the 2011-2012 school year, each high school must offer an IB Program, AICE Program, or a combination of at least four courses in Advanced Placement or dual enrollment, including one course each in English, mathematics, science, and social studies. To meet this requirement school districts may provide courses through virtual instruction, if the virtual course significantly integrates postsecondary level content for which a student may earn college credit, as determined by DOE, and for which a standardized EOC assessment, as approved by the DOE, is administered.

The bill creates the Credit Acceleration Program (CAP). The CAP allows a middle school or high school student to earn high school course credit in a course that requires a statewide, standardized EOC assessment if the student attains a score indicating satisfactory performance on the corresponding statewide, standardized EOC assessment. A student who is not enrolled in the course or who has not completed the course may take the statewide, standardized EOC assessment during the regular administration of the assessment.

Middle Grades Students Career and Education Planning

Current Law

In addition to other courses required for middle grades promotion, middle grades students are required to complete a course in career education planning in the 7th or 8th grade. The course must include educational planning using the online student advising system Florida Academic Counseling and Tracking for Students and must result in the completion of a personalized academic and career plan.⁹⁸

Effect of Proposed Changes

The bill specifies that the personalized academic and career plan inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and opportunities through which a high school student can earn college credit including

⁹² s. 1007.27(1), F.S.

⁹³ See supra note 83.

⁹⁴ s. 1007.27(1), F.S.

⁹⁵ Florida Department of Education, PK-20 Data Warehouse, *2008-2009 Acceleration*, February 4, 2010.

⁹⁶ s. 1003.429(1)(b) and (c), F.S.

⁹⁷ s. 1002.45, F.S., establishes the school district virtual instruction programs. Section 1002.37, F.S., establishes the Florida Virtual School (FLVS). The FLVS offers over 90 middle and high school courses, from general to honors courses, and 11 Advanced Placement classes. In addition, courses in foreign language, physical education, health, business, computer science, and FCAT and SAT prep are also offered by the virtual school. See s. 1002.37, F.S., and <http://www.fldoe.org/Schools/virtual-schools/faqs.asp>

⁹⁸ s. 1003.4156(1)(a)5., F.S.

the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy courses,⁹⁹ and programs that lead to national industry certification.

Florida School Recognition Program

Current Law

The Florida School Recognition Program provides public recognition and financial awards to schools sustaining high student performance by receiving a school grade of "A" or showing substantial improvement in student performance by improving a letter grade.¹⁰⁰ Selected schools receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.¹⁰¹

Effect of Proposed Changes

The bill changes the date from November 1 to February 1 of each year by which school staff and the school advisory council must reach an agreement on how school recognition funds will be distributed. Because school grades for high schools are not reported until fall, this gives school advisory councils an additional three months to determine how to distribute award funds.¹⁰²

If a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district superintendent must distribute the funds to teachers who taught at the school in the previous year in the form of a bonus.¹⁰³

Other Bill Provisions

Office of Program Policy Analysis and Government Accountability (OPPAGA) Report

OPPAGA is directed to conduct a study on the different types of diplomas offered in other states. The study must provide information regarding differentiated high school diploma options and endorsements that other states offer, including criteria for awarding the diplomas or endorsements, the differences in courses required for college and career pathways, the advantages and disadvantages of offering a range of diploma options, and any barriers others states have encountered when implementing differentiated diploma options. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2011.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.413, F.S., relating to secondary school design, to delete obsolete references and conform cross-references.

Section 2: Amends s. 1003.4156, F.S., relating to middle grades promotion.

Section 3: Amends s. 1003.428, F.S., relating to the revised general requirements for high school graduation.

Section 4: Amends s. 1003.429, F.S., relating to accelerated high school graduation requirements.

Section 5: Creates s. 1003.4295, relating to acceleration courses.

⁹⁹ A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by a regional workforce board. See s. 1003.493, F.S.

¹⁰⁰ s. 1008.36(2), F.S.

¹⁰¹ s. 1008.36(4), F.S.

¹⁰² Department of Education Bill Analysis on Senate Bill 2482, March 2, 2009, at 5.

¹⁰³ To date, five schools and \$80,000 have been impacted. Conversation with Florida Department of Education Staff, January 2010.

Section 6: Amends s. 1003.493, F.S., relating to career and professional academies to conform to changes made by the act.

Section 7: Amends s. 1007.35, F.S., relating to the Florida Partnership for Minority and Underrepresented Student Achievement to conform changes made by the act.

Section 8: Amends s. 1008.22, F.S., relating to the statewide student achievement testing program.

Section 9: Amends s. 1008.25, F.S., relating to public school student progression, to conform to changes made by the act.

Section 10: Amends s. 1008.30, F.S., relating the common placement test, to conform to changes made by the act.

Section 11: Amends s. 1008.34, F.S., relating to school grading system; school report cards; and district grade.

Section 12: Amends s. 1008.341, F.S., relating to school improvement rating for alternative schools.

Section 13: Amends s. 1008.36, F.S., relating to the Florida School Recognition Program.

Section 14: Directs OPPAGA to conduct a study on the different types of high school diplomas offered in other states.

Section 15: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal impact of this bill is indeterminate although not significant. Typically, the cost associated with administering a statewide, standardized assessment is approximately \$1 to \$1.5 million annually. However, based on the current budget proposal for the assessment and evaluation budget, DOE estimates the costs of the bill can be absorbed by existing resources. Additional costs will be offset by replacing the Grade 9 and Grade 10 Mathematics FCAT with Algebra I and geometry EOC assessments and replacing the high school Science FCAT with the Biology I EOC assessment.

There could be costs associated with transitioning from the Grade 9 and Grade 10 Mathematics FCAT and Grade 11 Science FCAT to Algebra I, geometry, and Biology I EOC assessments. The DOE is currently field-testing the Algebra I EOC assessments and plans for all EOC assessments to be computer-based tests. If this occurs, the administration of EOC assessments should result in a savings to the state over time.

By eliminating the requirement for a revised assessment in writing in 2012-2013, there should be a significant, yet indeterminate, amount of cost deferred. According to DOE staff, the savings resulting from not having to substantially revise FCAT Writing will help offset the cost associated with transitioning from the Grade 9 and Grade 10 FCAT Mathematics and the FCAT Science at the high school level to Algebra I, geometry, and Biology I EOC assessments.

All of the estimated costs and savings will be absorbed in the current assessment and evaluation budget plan.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the State Board of Education to adopt rules for provisions relating to:

- Procedures for determining the EOC assessment requirements for students transferring into a Florida public high school.
- Statewide, standardized EOC assessments, including establishing passing scores and equivalent scores.

The existing SBE rule regarding the designation of school grades will need to be modified.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.

PCS for HB 7053

ORIGINAL

2010

1 A bill to be entitled
2 An act relating to education accountability; amending s.
3 1003.413, F.S., relating to secondary school redesign, to
4 delete obsolete provisions and to conform to changes made
5 by the act; amending s. 1003.4156, F.S.; revising
6 requirements for middle grades promotion; providing that
7 successful completion of a high school level Algebra I,
8 geometry, or Biology I course is not contingent upon a
9 student's performance on the end-of-course assessment;
10 requiring a student to pass the end-of-course assessment
11 to earn high school credit for such courses; specifying
12 information that must be provided to students as part of
13 the personalized academic and career plan; amending s.
14 1003.428, F.S.; revising requirements for high school
15 graduation; requiring students entering grade 9 in
16 specified school years to meet end-of-course assessment
17 requirements and revised credit requirements in
18 mathematics and science for high school graduation;
19 requiring district school board standards for grades in
20 certain courses; providing for waiver of end-of-course
21 assessment results for the purpose of determining a course
22 grade and credit for students with disabilities; amending
23 s. 1003.429, F.S.; revising requirements for accelerated
24 high school graduation options; updating cross-references;
25 requiring students entering grade 9 in specified school
26 years to meet end-of-course assessment requirements and
27 revised credit requirements in mathematics and science for
28 high school graduation; requiring district school board

29 standards for grades in certain courses; creating s.
30 1003.4295, F.S.; requiring high schools to advise students
31 of, and offer, acceleration courses; creating the Credit
32 Acceleration Program; amending s. 1003.493, F.S., relating
33 to career and professional academies, to conform to
34 changes made by the act; amending s. 1007.35, F.S.,
35 relating to the Florida Partnership for Minority and
36 Underrepresented Student Achievement, to conform to
37 changes made by the act; amending s. 1008.22, F.S.;
38 revising the statewide student achievement testing
39 program; requiring end-of-course assessments in
40 mathematics and science to replace FCAT Mathematics and
41 FCAT Science beginning with students entering grade 9 in
42 specified school years; providing requirements for the
43 administration of, and student performance on, statewide,
44 standardized end-of-course assessments in mathematics and
45 science; providing for establishment of an implementation
46 schedule to develop and administer end-of-course
47 assessments in certain courses; requiring evaluation and
48 reporting of the transition to specified end-of-course
49 assessments; requiring the use of scaled scores and
50 student achievement levels for describing student success
51 on assessments; requiring the State Board of Education to
52 designate passing scores for end-of-course assessments and
53 scores that indicate high achievement; providing
54 requirements for retaking specified assessments; providing
55 for waiver of end-of-course assessment requirements for
56 students in exceptional education programs and students

57 | who have limited English proficiency; revising provisions
 58 | relating to testing and reporting schedules; requiring
 59 | that the Commissioner of Education consider the observance
 60 | of religious and school holidays when establishing the
 61 | schedules for the administration of statewide assessments;
 62 | conforming provisions and cross-references; authorizing
 63 | the State Board of Education to adopt concordant scores
 64 | for the FCAT and equivalent scores for end-of-course
 65 | assessments; deleting retake requirements for use of
 66 | concordant scores; providing requirements for use of
 67 | equivalent scores; amending s. 1008.25, F.S., relating to
 68 | public school student progression, to conform to changes
 69 | made by the act; amending s. 1008.30, F.S., relating to
 70 | the common placement test, to conform to changes made by
 71 | the act; amending s. 1008.34, F.S.; revising provisions
 72 | that specify the basis for determining school grades to
 73 | include student performance on end-of-course assessments
 74 | and to conform provisions to current FCAT assessments;
 75 | amending s. 1008.341, F.S.; revising provisions that
 76 | specify the basis for determining an alternative school's
 77 | school improvement rating to include student performance
 78 | on end-of-course assessments; amending s. 1008.36, F.S.;
 79 | revising provisions relating to the use of school
 80 | recognition awards; requiring that the Office of Program
 81 | Policy Analysis and Government Accountability conduct a
 82 | study on the different types of high school diplomas
 83 | offered in other states; requiring that the study be

84 submitted to the Governor and the Legislature by a
 85 specified date; providing an effective date.

86

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

88

89 Section 1. Paragraph (d) of subsection (3) and subsections
 90 (4) and (5) of section 1003.413, Florida Statutes, are amended
 91 to read:

92 1003.413 Florida Secondary School Redesign Act.—

93 (3) Based on these guiding principles, district school
 94 boards shall establish policies to implement the requirements of
 95 ss. 1003.4156, 1003.428, and 1003.493. The policies must
 96 address:

97 (d) Credit recovery courses and intensive reading and
 98 mathematics intervention courses based on student performance on
 99 ~~the~~ FCAT Reading and Mathematics. These courses should be
 100 competency based and offered through innovative delivery
 101 systems, including computer-assisted instruction. School
 102 districts should use learning gains as well as other appropriate
 103 data and provide incentives to identify and reward high-
 104 performing teachers who teach credit recovery and intensive
 105 intervention courses.

106 (4) In order to support the successful implementation of
 107 this section by district school boards, the Department of
 108 Education shall:

109 ~~(a) By February 1, 2007, increase the number of approved~~
 110 ~~applied, integrated, and combined courses available to school~~
 111 ~~districts.~~

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112 ~~(b) By the beginning of the 2006-2007 school year, make~~
113 ~~available a professional development package designed to provide~~
114 ~~the information that content area teachers need to become~~
115 ~~proficient in applying scientifically based reading strategies~~
116 ~~through their content areas.~~

117 (a)~~(e)~~ Share best practices for providing a complete
118 education program to students enrolled in course recovery,
119 credit recovery, intensive reading intervention, or intensive
120 mathematics intervention.

121 (b)~~(d)~~ Expedite assistance and decisions and coordinate
122 policies throughout all divisions within the department to
123 provide school districts with support to implement this section.

124 ~~(c) Use data to provide the Legislature with an annual~~
125 ~~longitudinal analysis of the success of this reform effort,~~
126 ~~including the progress of 6th grade students and 9th grade~~
127 ~~students scoring at Level 1 on FCAT Reading or FCAT Mathematics.~~

128 ~~(5) The Commissioner of Education shall create and~~
129 ~~implement the Secondary School Improvement Award Program to~~
130 ~~reward public secondary schools that demonstrate continuous~~
131 ~~student academic improvement and show the greatest gains in~~
132 ~~student academic achievement in reading and mathematics.~~

133 Section 2. Paragraph (a) of subsection (1) of section
134 1003.4156, Florida Statutes, is amended to read:

135 1003.4156 General requirements for middle grades
136 promotion.—

137 (1) Beginning with students entering grade 6 in the 2006-
138 2007 school year, promotion from a school composed of middle
139 grades 6, 7, and 8 requires that:

140 (a) The student must successfully complete academic
 141 courses as follows:

142 1. Three middle school or higher courses in English. These
 143 courses shall emphasize literature, composition, and technical
 144 text.

145 2. Three middle school or higher courses in mathematics.
 146 Each middle school must offer at least one high school level
 147 mathematics course for which students may earn high school
 148 credit. Successful completion of a high school level Algebra I
 149 or geometry course is not contingent upon the student's
 150 performance on the end-of-course assessment required under s.
 151 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
 152 school year, to earn high school credit for an Algebra I course,
 153 a middle school student must pass the Algebra I end-of-course
 154 assessment, and beginning with the 2012-2013 school year, to
 155 earn high school credit for a geometry course, a middle school
 156 student must pass the geometry end-of-course assessment.

157 3. Three middle school or higher courses in social
 158 studies, one semester of which must include the study of state
 159 and federal government and civics education.

160 4. Three middle school or higher courses in science.
 161 Successful completion of a high school level Biology I course is
 162 not contingent upon the student's performance on the end-of-
 163 course assessment required under s. 1008.22(3)(c)2.a.(II).
 164 However, beginning with the 2012-2013 school year, to earn high
 165 school credit for a Biology I course, a middle school student
 166 must pass the Biology I end-of-course assessment.

167 5. One course in career and education planning to be

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168 completed in 7th or 8th grade. The course may be taught by any
169 member of the instructional staff; must include career
170 exploration using Florida CHOICES ~~for the 21st Century~~ or a
171 comparable cost-effective program; must include educational
172 planning using the online student advising system known as
173 Florida Academic Counseling and Tracking for Students at the
174 Internet website FACTS.org; and shall result in the completion
175 of a personalized academic and career plan. The required
176 personalized academic and career plan must inform students of
177 high school graduation requirements, high school assessment and
178 college entrance test requirements, Florida Bright Futures
179 Scholarship Program requirements, state university and Florida
180 college admission requirements, and programs through which a
181 high school student can earn college credit, including Advanced
182 Placement, International Baccalaureate, Advanced International
183 Certificate of Education, dual enrollment, career academy
184 opportunities, and courses that lead to national industry
185 certification.

186
187 Each school must hold a parent meeting either in the evening or
188 on a weekend to inform parents about the course curriculum and
189 activities. Each student shall complete an electronic personal
190 education plan that must be signed by the student; the student's
191 instructor, guidance counselor, or academic advisor; and the
192 student's parent. ~~By January 1, 2007,~~ The Department of
193 Education shall develop course frameworks and professional
194 development materials for the career exploration and education
195 planning course. The course may be implemented as a stand-alone

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196 course or integrated into another course or courses. The
 197 Commissioner of Education shall collect longitudinal high school
 198 course enrollment data by student ethnicity in order to analyze
 199 course-taking patterns.

200 Section 3. Subsections (1) and (2), paragraph (a) of
 201 subsection (4), and paragraph (b) of subsection (8) of section
 202 1003.428, Florida Statutes, are amended to read:

203 1003.428 General requirements for high school graduation;
 204 revised.—

205 (1) Except as otherwise authorized pursuant to s.
 206 1003.429, beginning with students entering grade 9 ~~their first~~
 207 ~~year of high school~~ in the 2007-2008 school year, graduation
 208 requires the successful completion of a minimum of 24 credits,
 209 an International Baccalaureate curriculum, or an Advanced
 210 International Certificate of Education curriculum. Students must
 211 be advised of eligibility requirements for state scholarship
 212 programs and postsecondary admissions.

213 (2) The 24 credits may be earned through applied,
 214 integrated, and combined courses approved by the Department of
 215 Education. The 24 credits ~~and~~ shall be distributed as follows:

216 (a) Sixteen core curriculum credits:

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

219 2. Four credits in mathematics, one of which must be
 220 Algebra I, a series of courses equivalent to Algebra I, or a
 221 higher-level mathematics course. Beginning with students
 222 entering grade 9 in the 2010-2011 school year, in addition to
 223 the Algebra I credit requirement, one of the four credits in

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224 mathematics must be geometry or a series of courses equivalent
225 to geometry as approved by the State Board of Education.
226 Beginning with students entering grade 9 in the 2010-2011 school
227 year, the end-of-course assessment requirements under s.
228 1008.22(3)(c)2.a.(I) must be met in order for a student to earn
229 the required credit in Algebra I. Beginning with students
230 entering grade 9 in the 2011-2012 school year, the end-of-course
231 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
232 met in order for a student to earn the required credit in
233 geometry. Beginning with students entering grade 9 in the 2012-
234 2013 school year, in addition to the Algebra I and geometry
235 credit requirements, one of the four credits in mathematics must
236 be Algebra II or a series of courses equivalent to Algebra II as
237 approved by the State Board of Education. ~~School districts are~~
238 ~~encouraged to set specific goals to increase enrollments in, and~~
239 ~~successful completion of, geometry and Algebra II.~~

240 3. Three credits in science, two of which must have a
241 laboratory component. Beginning with students entering grade 9
242 in the 2011-2012 school year, one of the three credits in
243 science must be Biology I or a series of courses equivalent to
244 Biology I as approved by the State Board of Education. Beginning
245 with students entering grade 9 in the 2011-2012 school year, the
246 end-of-course assessment requirements under s.
247 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
248 the required credit in Biology I. Beginning with students
249 entering grade 9 in the 2013-2014 school year, one of the three
250 credits must be Biology I or a series of courses equivalent to
251 Biology I as approved by the State Board of Education, one

252 credit must be chemistry or physics or a series of courses
 253 equivalent to chemistry or physics as approved by the State
 254 Board of Education, and one credit must be an equally rigorous
 255 course, as determined by the State Board of Education.

256 4. Three credits in social studies as follows: one credit
 257 in United States ~~American~~ history; one credit in world history;
 258 one-half credit in economics; and one-half credit in United
 259 States ~~American~~ government.

260 5. One credit in fine or performing arts, speech and
 261 debate, or a practical arts course that incorporates artistic
 262 content and techniques of creativity, interpretation, and
 263 imagination. Eligible practical arts courses shall be identified
 264 through the Course Code Directory.

265 6. One credit in physical education to include integration
 266 of health. Participation in an interscholastic sport at the
 267 junior varsity or varsity level for two full seasons shall
 268 satisfy the one-credit requirement in physical education if the
 269 student passes a competency test on personal fitness with a
 270 score of "C" or better. The competency test on personal fitness
 271 must be developed by the Department of Education. A district
 272 school board may not require that the one credit in physical
 273 education be taken during the 9th grade year. Completion of one
 274 semester with a grade of "C" or better in a marching band class,
 275 in a physical activity class that requires participation in
 276 marching band activities as an extracurricular activity, or in a
 277 dance class shall satisfy one-half credit in physical education
 278 or one-half credit in performing arts. This credit may not be
 279 used to satisfy the personal fitness requirement or the

280 requirement for adaptive physical education under an individual
 281 education plan (IEP) or 504 plan. Completion of 2 years in a
 282 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 283 component of which is drills, shall satisfy the one-credit
 284 requirement in physical education and the one-credit requirement
 285 in performing arts. This credit may not be used to satisfy the
 286 personal fitness requirement or the requirement for adaptive
 287 physical education under an individual education plan (IEP) or
 288 504 plan.

289 (b) Eight credits in ~~majors, minors, or~~ electives.⁺

290 ~~1. Four credits in a major area of interest, such as~~
 291 ~~sequential courses in a career and technical program, fine and~~
 292 ~~performing arts, or academic content area, selected by the~~
 293 ~~student as part of the education plan required by s. 1003.4156.~~
 294 ~~Students may revise major areas of interest each year as part of~~
 295 ~~annual course registration processes and should update their~~
 296 ~~education plan to reflect such revisions. Annually by October 1,~~
 297 ~~the district school board shall approve major areas of interest~~
 298 ~~and submit the list of majors to the Commissioner of Education~~
 299 ~~for approval. Each major area of interest shall be deemed~~
 300 ~~approved unless specifically rejected by the commissioner within~~
 301 ~~60 days. Upon approval, each district's major areas of interest~~
 302 ~~shall be available for use by all school districts and shall be~~
 303 ~~posted on the department's website.~~

304 ~~2. Four credits in elective courses selected by the~~
 305 ~~student as part of the education plan required by s. 1003.4156.~~
 306 ~~These credits may be combined to allow for a second major area~~
 307 ~~of interest pursuant to subparagraph 1., a minor area of~~

308 ~~interest, elective courses, or intensive reading or mathematics~~
 309 ~~intervention courses as described in this subparagraph.~~

310 ~~a. Minor areas of interest are composed of three credits~~
 311 ~~selected by the student as part of the education plan required~~
 312 ~~by s. 1003.4156 and approved by the district school board.~~

313 ~~b. Elective courses are selected by the student in order~~
 314 ~~to pursue a complete education program as described in s.~~
 315 ~~1001.41(3) and to meet eligibility requirements for~~
 316 ~~scholarships.~~

317 1.e. For each year in which a student scores at Level 1 on
 318 FCAT Reading, the student must be enrolled in and complete an
 319 intensive reading course the following year. Placement of Level
 320 2 readers in either an intensive reading course or a content
 321 area course in which reading strategies are delivered shall be
 322 determined by diagnosis of reading needs. The department shall
 323 provide guidance on appropriate strategies for diagnosing and
 324 meeting the varying instructional needs of students reading
 325 below grade level. Reading courses shall be designed and offered
 326 pursuant to the comprehensive reading plan required by s.
 327 1011.62(9).

328 2.d. For each year in which a student scores at Level 1 or
 329 Level 2 on FCAT Mathematics, the student must receive
 330 remediation the following year. These courses may be taught
 331 through applied, integrated, or combined courses and are subject
 332 to approval by the department for inclusion in the Course Code
 333 Directory.

334 (4) Each district school board shall establish standards
 335 for graduation from its schools, which must include:

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336 (a) Successful completion of the academic credit or
337 curriculum requirements of subsections (1) and (2). For courses
338 that require statewide, standardized end-of-course assessments
339 under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a
340 student's course grade shall be comprised of performance on the
341 statewide, standardized end-of-course assessment.

342
343 Each district school board shall adopt policies designed to
344 assist students in meeting the requirements of this subsection.
345 These policies may include, but are not limited to: forgiveness
346 policies, summer school or before or after school attendance,
347 special counseling, volunteers or peer tutors, school-sponsored
348 help sessions, homework hotlines, and study skills classes.
349 Forgiveness policies for required courses shall be limited to
350 replacing a grade of "D" or "F," or the equivalent of a grade of
351 "D" or "F," with a grade of "C" or higher, or the equivalent of
352 a grade of "C" or higher, earned subsequently in the same or
353 comparable course. Forgiveness policies for elective courses
354 shall be limited to replacing a grade of "D" or "F," or the
355 equivalent of a grade of "D" or "F," with a grade of "C" or
356 higher, or the equivalent of a grade of "C" or higher, earned
357 subsequently in another course. The only exception to these
358 forgiveness policies shall be made for a student in the middle
359 grades who takes any high school course for high school credit
360 and earns a grade of "C," "D," or "F" or the equivalent of a
361 grade of "C," "D," or "F." In such case, the district
362 forgiveness policy must allow the replacement of the grade with
363 a grade of "C" or higher, or the equivalent of a grade of "C" or

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364 higher, earned subsequently in the same or comparable course. In
365 all cases of grade forgiveness, only the new grade shall be used
366 in the calculation of the student's grade point average. Any
367 course grade not replaced according to a district school board
368 forgiveness policy shall be included in the calculation of the
369 cumulative grade point average required for graduation.

370 (8)

371 (b)1. A student with a disability, as defined in s.
372 1007.02(2), for whom the individual education plan (IEP)
373 committee determines that the FCAT cannot accurately measure the
374 student's abilities taking into consideration all allowable
375 accommodations, shall have the FCAT requirement of paragraph
376 (4)(b) waived for the purpose of receiving a standard high
377 school diploma, if the student:

378 a.1. Completes the minimum number of credits and other
379 requirements prescribed by subsections (1), (2), and (3).

380 b.2. Does not meet the requirements of paragraph (4)(b)
381 after one opportunity in 10th grade and one opportunity in 11th
382 grade.

383 2. A student with a disability, as defined in s.
384 1007.02(2), for whom the IEP committee determines that an end-
385 of-course assessment cannot accurately measure the student's
386 abilities, taking into consideration all allowable
387 accommodations, shall have the end-of-course assessment results
388 waived for the purpose of determining the student's course grade
389 and credit as required in paragraph (4)(a).

390 Section 4. Subsections (1) and (5), paragraph (c) of
391 subsection (7), and subsection (8) of section 1003.429, Florida

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392 Statutes, are amended to read:

393 1003.429 Accelerated high school graduation options.—

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

398 (a) Completion of the general requirements for high school
399 graduation pursuant to s. 1003.428 or s. 1003.43, as applicable;

400 (b) Completion of a 3-year standard college preparatory
401 program requiring successful completion of a minimum of 18
402 academic credits in grades 9 through 12. At least 6 of the 18
403 credits required for completion of this program must be received
404 in classes that are offered pursuant to the International
405 Baccalaureate Program, the Advanced Placement Program, dual
406 enrollment, Advanced International Certificate of Education, or
407 specifically listed or identified by the Department of Education
408 as rigorous pursuant to s. 1009.531(3). The 18 credits required
409 for completion of this program shall be primary requirements and
410 shall be distributed as follows:

411 1. Four credits in English, with major concentration in
412 composition and literature;

413 2. Three credits and, beginning with students entering
414 grade 9 in the 2010-2011 school year, four credits in
415 mathematics at the Algebra I level or higher from the list of
416 courses that qualify for state university admission. Beginning
417 with students entering grade 9 in the 2010-2011 school year, in
418 addition to the Algebra I credit requirement, one of the four
419 credits in mathematics must be geometry or a series of courses

420 equivalent to geometry as approved by the State Board of
 421 Education. Beginning with students entering grade 9 in the 2010-
 422 2011 school year, the end-of-course assessment requirements
 423 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 424 to earn the required credit in Algebra I. Beginning with
 425 students entering grade 9 in the 2011-2012 school year, the end-
 426 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 427 must be met in order for a student to earn the required credit
 428 in geometry. Beginning with students entering grade 9 in the
 429 2012-2013 school year, in addition to the Algebra I and geometry
 430 credit requirements, one of the four credits in mathematics must
 431 be Algebra II or a series of courses equivalent to Algebra II as
 432 approved by the State Board of Education;

433 3. Three credits in ~~natural~~ science, two of which must
 434 have a laboratory component. Beginning with students entering
 435 grade 9 in the 2011-2012 school year, one of the three credits
 436 in science must be Biology I or a series of courses equivalent
 437 to Biology I as approved by the State Board of Education.
 438 Beginning with students entering grade 9 in the 2011-2012 school
 439 year, the end-of-course assessment requirements under s.
 440 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 441 the required credit in Biology I. Beginning with students
 442 entering grade 9 in the 2013-2014 school year, one of the three
 443 credits must be Biology I or a series of courses equivalent to
 444 Biology I as approved by the State Board of Education, one
 445 credit must be chemistry or physics or a series of courses
 446 equivalent to chemistry or physics as approved by the State
 447 Board of Education, and one credit must be an equally rigorous

448 course, as approved by the State Board of Education;

449 4. Three credits in social sciences, which must include
 450 one credit in United States ~~American~~ history, one credit in
 451 world history, one-half credit in United States ~~American~~
 452 government, and one-half credit in economics;

453 5. Two credits in the same second language unless the
 454 student is a native speaker of or can otherwise demonstrate
 455 competency in a language other than English. If the student
 456 demonstrates competency in another language, the student may
 457 replace the language requirement with two credits in other
 458 academic courses; and

459 6. Three credits in electives and, beginning with students
 460 entering grade 9 in the 2010-2011 school year, two credits in
 461 electives; or

462 (c) Completion of a 3-year career preparatory program
 463 requiring successful completion of a minimum of 18 academic
 464 credits in grades 9 through 12. The 18 credits shall be primary
 465 requirements and shall be distributed as follows:

466 1. Four credits in English, with major concentration in
 467 composition and literature;

468 2. Three credits and, beginning with students entering
 469 grade 9 in the 2010-2011 school year, four credits in
 470 mathematics, one of which must be Algebra I. Beginning with
 471 students entering grade 9 in the 2010-2011 school year, in
 472 addition to the Algebra I credit requirement, one of the four
 473 credits in mathematics must be geometry or a series of courses
 474 equivalent to geometry as approved by the State Board of
 475 Education. Beginning with students entering grade 9 in the 2010-

476 2011 school year, the end-of-course assessment requirements
 477 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 478 to earn the required credit in Algebra I. Beginning with
 479 students entering grade 9 in the 2011-2012 school year, the end-
 480 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 481 must be met in order for a student to earn the required credit
 482 in geometry. Beginning with students entering grade 9 in the
 483 2012-2013 school year, in addition to the Algebra I and geometry
 484 credit requirements, one of the four credits in mathematics must
 485 be Algebra II or a series of courses equivalent to Algebra II as
 486 approved by the State Board of Education;

487 3. Three credits in ~~natural~~ science, two of which must
 488 have a laboratory component. Beginning with students entering
 489 grade 9 in the 2011-2012 school year, one of the three credits
 490 in science must be Biology I or a series of courses equivalent
 491 to Biology I as approved by the State Board of Education.
 492 Beginning with students entering grade 9 in the 2011-2012 school
 493 year, the end-of-course assessment requirements under s.
 494 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 495 the required credit in Biology I. Beginning with students
 496 entering grade 9 in the 2013-2014 school year, one of the three
 497 credits must be Biology I or a series of courses equivalent to
 498 Biology I as approved by the State Board of Education, one
 499 credit must be chemistry or physics or a series of courses
 500 equivalent to chemistry or physics as approved by the State
 501 Board of Education, and one credit must be an equally rigorous
 502 course, as approved by the State Board of Education;

503 4. Three credits in social sciences, which must include

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504 one credit in United States ~~American~~ history, one credit in
505 world history, one-half credit in United States ~~American~~
506 government, and one-half credit in economics;

507 5. Three credits in a single vocational or career
508 education program, three credits in career and technical
509 certificate dual enrollment courses, or five credits in
510 vocational or career education courses; and

511 6. Two credits and, beginning with students entering grade
512 9 in the 2010-2011 school year, one credit in electives unless
513 five credits are earned pursuant to subparagraph 5.

514
515 Any student who selected an accelerated graduation program
516 before July 1, 2004, may continue that program, and all
517 statutory program requirements that were applicable when the
518 student made the program choice shall remain applicable to the
519 student as long as the student continues that program.

520 (5) District school boards may not establish requirements
521 for accelerated 3-year high school graduation options in excess
522 of the requirements in paragraphs (1)(b) and (c). For courses
523 that require statewide, standardized end-of-course assessments
524 under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a
525 student's course grade shall be comprised of performance on the
526 statewide, standardized end-of-course assessment.

527 (7) If, at the end of grade 10, a student is not on track
528 to meet the credit, assessment, or grade-point-average
529 requirements of the accelerated graduation option selected, the
530 school shall notify the student and parent of the following:

531 (c) The right of the student to change to the 4-year

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532 program set forth in s. 1003.428 or s. 1003.43, as applicable.

533 (8) A student who selected one of the accelerated 3-year
534 graduation options shall automatically move to the 4-year
535 program set forth in s. 1003.428 or s. 1003.43, if applicable,
536 if the student:

537 (a) Exercises his or her right to change to the 4-year
538 program;

539 (b) Fails to earn 5 credits by the end of grade 9 or fails
540 to earn 11 credits by the end of grade 10;

541 (c) Does not achieve a score of 3 or higher on the grade
542 10 FCAT Writing assessment; or

543 (d) By the end of grade 11 does not meet the requirements
544 of subsections (1) and (6).

545 Section 5. Section 1003.4295, Florida Statutes, is created
546 to read:

547 1003.4295 Acceleration courses.-

548 (1) Each high school shall advise each student of programs
549 through which a high school student can earn college credit,
550 including Advanced Placement, International Baccalaureate,
551 Advanced International Certificate of Education, dual enrollment
552 courses, career academy courses, and courses that lead to
553 national industry certification, as well as the availability of
554 course offerings through virtual instruction.

555 (2) Beginning with the 2011-2012 school year, each high
556 school shall offer an International Baccalaureate Program, an
557 Advanced International Certificate of Education Program, or a
558 combination of at least four courses in dual enrollment or
559 Advanced Placement, including one course each in English,

560 mathematics, science, and social studies. To meet this
 561 requirement, school districts may provide courses through
 562 virtual instruction, if the virtual course significantly
 563 integrates postsecondary level content for which a student may
 564 earn college credit, as determined by the Department of
 565 Education, and for which a standardized end-of-course
 566 assessment, as approved by the department, is administered.

567 (3) The Credit Acceleration Program (CAP) is created for
 568 the purpose of allowing a secondary student to earn high school
 569 credit in a course that requires a statewide, standardized end-
 570 of-course assessment if the student attains a specified score on
 571 the assessment. Notwithstanding s. 1003.436, a school district
 572 shall award course credit to a student who is not enrolled in
 573 the course, or who has not completed the course, if the student
 574 attains a score indicating satisfactory performance, as defined
 575 in s. 1008.22(3)(c)5., on the corresponding statewide,
 576 standardized end-of-course assessment. The school district shall
 577 permit a student who is not enrolled in the course, or who has
 578 not completed the course, to take the standardized end-of-course
 579 assessment during the regular administration of the assessment.

580 Section 6. Paragraph (k) of subsection (4) of section
 581 1003.493, Florida Statutes, is amended to read:

582 1003.493 Career and professional academies.—

583 (4) Each career and professional academy must:

584 (k) Include an evaluation plan developed jointly with the
 585 Department of Education and the local workforce board. The
 586 evaluation plan must include an assessment tool based on
 587 national industry standards, such as the Career Academy National

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588 Standards of Practice, and outcome measures, including, but not
 589 limited to, achievement of national industry certifications
 590 identified in the Industry Certification Funding List, pursuant
 591 to rules adopted by the State Board of Education, graduation
 592 rates, enrollment in postsecondary education, business and
 593 industry satisfaction, employment and earnings, awards of
 594 postsecondary credit and scholarships, and student FCAT
 595 achievement levels and learning gains on statewide assessments
 596 administered under s. 1008.22(3)(c). The Department of Education
 597 shall use Workforce Florida, Inc., and Enterprise Florida, Inc.,
 598 in identifying industry experts to participate in developing and
 599 implementing such assessments.

600 Section 7. Paragraph (c) of subsection (6) of section
 601 1007.35, Florida Statutes, is amended to read:

602 1007.35 Florida Partnership for Minority and
 603 Underrepresented Student Achievement.—

604 (6) The partnership shall:

605 (c) Provide teacher training and materials that are
 606 aligned with the Next Generation Sunshine State Standards and
 607 are consistent with best theory and practice regarding multiple
 608 learning styles and research on learning, instructional
 609 strategies, instructional design, and classroom assessment.
 610 Curriculum materials must be based on current, accepted, and
 611 essential academic knowledge. ~~Materials for prerequisite courses~~
 612 ~~should, at a minimum, address the skills assessed on the Florida~~
 613 ~~Comprehensive Assessment Test (FCAT).~~

614 Section 8. Paragraph (c) of subsection (3) and subsections
 615 (6), (9), (10), (11), and (12) of section 1008.22, Florida

616 Statutes, are amended to read:

617 1008.22 Student assessment program for public schools.—

618 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 619 design and implement a statewide program of educational
 620 assessment that provides information for the improvement of the
 621 operation and management of the public schools, including
 622 schools operating for the purpose of providing educational
 623 services to youth in Department of Juvenile Justice programs.
 624 The commissioner may enter into contracts for the continued
 625 administration of the assessment, testing, and evaluation
 626 programs authorized and funded by the Legislature. Contracts may
 627 be initiated in 1 fiscal year and continue into the next and may
 628 be paid from the appropriations of either or both fiscal years.
 629 The commissioner is authorized to negotiate for the sale or
 630 lease of tests, scoring protocols, test scoring services, and
 631 related materials developed pursuant to law. Pursuant to the
 632 statewide assessment program, the commissioner shall:

633 (c) Develop and implement a student achievement testing
 634 program as follows: ~~known as~~

635 1. The Florida Comprehensive Assessment Test (FCAT)
 636 measures as part of the statewide assessment program to measure
 637 a student's content knowledge and skills in reading, writing,
 638 science, and mathematics. The content knowledge and skills
 639 assessed by the FCAT must be aligned to the core curricular
 640 content established in the Next Generation Sunshine State
 641 Standards. Other content areas may be included as directed by
 642 the commissioner. Comprehensive assessments of reading and
 643 mathematics shall be administered annually in grades 3 through

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644 | 10 except, beginning with the 2010-2011 school year, the
645 | administration of grade 9 FCAT Mathematics shall be
646 | discontinued, and beginning with the 2011-2012 school year, the
647 | administration of grade 10 FCAT Mathematics shall be
648 | discontinued, except as required for students who have not
649 | attained minimum performance expectations for graduation as
650 | provided in paragraph (9)(c). FCAT Comprehensive assessments of
651 | Writing and FCAT Science shall be administered at least once at
652 | the elementary, middle, and high school levels except, beginning
653 | with the 2011-2012 school year, the administration of FCAT
654 | Science at the high school level shall be discontinued.

655 | 2.a. End-of-course assessments for a subject shall ~~may~~ be
656 | administered in addition to the comprehensive assessments
657 | ~~required for that subject~~ under subparagraph 1. ~~this paragraph.~~
658 | ~~An~~ End-of-course assessments ~~assessment~~ must be rigorous,
659 | statewide, standardized, and developed or approved by the
660 | department. The content knowledge and skills assessed by
661 | ~~comprehensive and~~ end-of-course assessments must be aligned to
662 | the core curricular content established in the Next Generation
663 | Sunshine State Standards.

664 | (I) Statewide, standardized end-of-course assessments in
665 | mathematics shall be administered according to this sub-sub-
666 | subparagraph. Beginning with the 2010-2011 school year, all
667 | students enrolled in Algebra I or an equivalent course must take
668 | the Algebra I end-of-course assessment. Students who earned high
669 | school credit in Algebra I while in grades 6 through 8 during
670 | the 2007-2008 through 2009-2010 school years and who have not
671 | taken Grade 10 FCAT Mathematics must take the Algebra I end-of-

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672 course assessment during the 2010-2011 school year. For students
673 entering grade 9 during the 2010-2011 school year and who are
674 enrolled in Algebra I or an equivalent, each student's
675 performance on the end-of-course assessment in Algebra I shall
676 constitute 30 percent of the student's final course grade.
677 Beginning with students entering grade 9 in the 2011-2012 school
678 year, a student who is enrolled in Algebra I or an equivalent
679 must earn a passing score on the end-of-course assessment in
680 Algebra I or attain an equivalent score as described in
681 subsection (11) in order to earn course credit. Beginning with
682 the 2011-2012 school year, all students enrolled in geometry or
683 an equivalent course must take the geometry end-of-course
684 assessment. For students entering grade 9 during the 2011-2012
685 school year, each student's performance on the end-of-course
686 assessment in geometry shall constitute 30 percent of the
687 student's final course grade. Beginning with students entering
688 grade 9 during the 2012-2013 school year, a student must earn a
689 passing score on the end-of-course assessment in geometry or
690 attain an equivalent score as described in subsection (11) in
691 order to earn course credit.

692 (II) Statewide, standardized end-of-course assessments in
693 science shall be administered according to this sub-sub-
694 subparagraph. Beginning with the 2011-2012 school year, all
695 students enrolled in Biology I or an equivalent course must take
696 the Biology I end-of-course assessment. For the 2011-2012 school
697 year, each student's performance on the end-of-course assessment
698 in Biology I shall constitute 30 percent of the student's final
699 course grade. Beginning with students entering grade 9 during

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700 the 2012-2013 school year, a student must earn a passing score
701 on the end-of-course assessment in Biology I in order to earn
702 course credit.

703 b. The commissioner may select one or more nationally
704 developed comprehensive examinations, which may include, but
705 need not be limited to, examinations for a College Board
706 Advanced Placement course, International Baccalaureate course,
707 or Advanced International Certificate of Education course, or
708 industry-approved examinations to earn national industry
709 certifications identified in the Industry Certification Funding
710 List, pursuant to rules adopted by the State Board of Education
711 ~~as defined in s. 1003.492,~~ for use as end-of-course assessments
712 under this paragraph, if the commissioner determines that the
713 content knowledge and skills assessed by the examinations meet
714 or exceed the grade level expectations for the core curricular
715 content established for the course in the Next Generation
716 Sunshine State Standards. The commissioner may collaborate with
717 the American Diploma Project in the adoption or development of
718 rigorous end-of-course assessments that are aligned to the Next
719 Generation Sunshine State Standards. ~~The testing program must be~~
720 ~~designed as follows:~~

721 c. Contingent upon funding provided in the General
722 Appropriations Act, including the appropriation of funds
723 received through federal grants, the Commissioner of Education
724 shall establish an implementation schedule for the development
725 and administration of additional statewide, standardized end-of-
726 course assessments in English/Language Arts II, Algebra II,
727 chemistry, physics, earth/space science, United States history,

728 and world history. Priority shall be given to the development of
729 end-of-course assessments in English/Language Arts II. The
730 Commissioner of Education shall evaluate the feasibility and
731 effect of transitioning from the grade 9 and grade 10 FCAT
732 Reading and high school level FCAT Writing to an end-of-course
733 assessment in English/Language Arts II. The commissioner shall
734 report the results of the evaluation to the President of the
735 Senate and the Speaker of the House of Representatives no later
736 than July 1, 2011.

737 3.1- The testing program ~~tests~~ shall measure student
738 content knowledge and skills ~~and competencies~~ adopted by the
739 State Board of Education as specified in paragraph (a) and- ~~The~~
740 ~~tests must~~ measure and report student performance ~~proficiency~~
741 levels of all students assessed in reading, writing,
742 mathematics, and science. The commissioner shall provide for the
743 tests to be developed or obtained, as appropriate, through
744 contracts and project agreements with private vendors, public
745 vendors, public agencies, postsecondary educational
746 institutions, or school districts. The commissioner shall obtain
747 input with respect to the design and implementation of the
748 testing program from state educators, assistive technology
749 experts, and the public.

750 4.2- The testing program shall be composed of criterion-
751 referenced tests that shall, to the extent determined by the
752 commissioner, include test items that require the student to
753 produce information or perform tasks in such a way that the core
754 content knowledge and skills he or she uses can be measured.

755 ~~3. Beginning with the 2008-2009 school year, the~~

756 ~~commissioner shall discontinue administration of the selected-~~
757 ~~response test items on the comprehensive assessments of writing.~~
758 ~~Beginning with the 2012-2013 school year, the comprehensive~~
759 ~~assessments of writing shall be composed of a combination of~~
760 ~~selected response test items, short response performance tasks,~~
761 ~~and extended response performance tasks, which shall measure a~~
762 ~~student's content knowledge of writing, including, but not~~
763 ~~limited to, paragraph and sentence structure, sentence~~
764 ~~construction, grammar and usage, punctuation, capitalization,~~
765 ~~spelling, parts of speech, verb tense, irregular verbs, subject-~~
766 ~~verb agreement, and noun-pronoun agreement.~~

767 5. FCAT Reading, Mathematics, and Science and all
768 statewide, standardized end-of-course assessments shall measure
769 the content knowledge and skills a student has attained on the
770 assessment by the use of scaled scores and achievement levels.
771 Achievement levels shall range from 1 through 5, with level 1
772 being the lowest achievement level, level 5 being the highest
773 achievement level, and level 3 indicating satisfactory
774 performance on an assessment. For purposes of FCAT Writing,
775 student achievement shall be scored using a scale of 1 through 6
776 and the score earned shall be used in calculating school grades.

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

781 6.5. ~~Except as provided in s. 1003.428(8)(b) or s.~~
782 ~~1003.43(11)(b), students must earn a passing score on the grade~~
783 ~~10 assessment test described in this paragraph or attain~~

784 ~~concordant scores as described in subsection (10) in reading,~~
 785 ~~writing, and mathematics to qualify for a standard high school~~
 786 ~~diploma.~~ The State Board of Education shall, by rule, designate
 787 a passing score for each part of the grade 10 assessment test
 788 and end-of-course assessments. ~~In establishing passing scores,~~
 789 ~~the state board shall consider any possible negative impact of~~
 790 ~~the test on minority students. The State Board of Education~~
 791 ~~shall adopt rules which specify the passing scores for the grade~~
 792 ~~10 FCAT.~~ Any rule that has such rules, which have the effect of
 793 raising the required passing scores may, ~~shall~~ apply only to
 794 students taking the assessment grade 10 FCAT for the first time
 795 after the rule is ~~such rules~~ are adopted by the State Board of
 796 Education. Except as otherwise provided in this subparagraph and
 797 as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students
 798 must earn a passing score on grade 10 FCAT Reading and grade 10
 799 FCAT Mathematics or attain concordant scores as described in
 800 subsection (10) in order to qualify for a standard high school
 801 diploma.

802 7. In addition to designating a passing score under
 803 subparagraph 6., the State Board of Education shall also
 804 designate, by rule, a score for each statewide, standardized
 805 end-of-course assessment which indicates that a student is high
 806 achieving and has the potential to meet college-readiness
 807 standards by the time the student graduates from high school.

808 8.6. Participation in the testing program is mandatory for
 809 all students attending public school, including students served
 810 in Department of Juvenile Justice programs, except as otherwise
 811 prescribed by the commissioner. A student who has not earned

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812 | passing scores on the grade 10 FCAT as provided in subparagraph
813 | 6. must participate in each retake of the assessment until the
814 | student earns passing scores or achieves scores on a
815 | standardized assessment which are concordant with passing scores
816 | pursuant to subsection (10). If a student does not participate
817 | in the statewide assessment, the district must notify the
818 | student's parent and provide the parent with information
819 | regarding the implications of such nonparticipation. A parent
820 | must provide signed consent for a student to receive classroom
821 | instructional accommodations that would not be available or
822 | permitted on the statewide assessments and must acknowledge in
823 | writing that he or she understands the implications of such
824 | instructional accommodations. The State Board of Education shall
825 | adopt rules, based upon recommendations of the commissioner, for
826 | the provision of test accommodations for students in exceptional
827 | education programs and for students who have limited English
828 | proficiency. Accommodations that negate the validity of a
829 | statewide assessment are not allowable in the administration of
830 | the FCAT or an end-of-course assessment. However, instructional
831 | accommodations are allowable in the classroom if included in a
832 | student's individual education plan. Students using
833 | instructional accommodations in the classroom that are not
834 | allowable as accommodations on the FCAT or an end-of-course
835 | assessment may have the FCAT or an end-of-course assessment
836 | requirement waived pursuant to the requirements of s.
837 | 1003.428(8)(b) or s. 1003.43(11)(b).

838 | ~~9.7.~~ A student seeking an adult high school diploma must
839 | meet the same testing requirements that a regular high school

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840 student must meet.

841 ~~10.9.~~ District school boards must provide instruction to
842 prepare students ~~to demonstrate proficiency~~ in the core
843 curricular content established in the Next Generation Sunshine
844 State Standards adopted under s. 1003.41, including the core
845 content knowledge and skills necessary for successful grade-to-
846 grade progression and high school graduation. If a student is
847 provided with instructional accommodations in the classroom that
848 are not allowable as accommodations in the statewide assessment
849 program, as described in the test manuals, the district must
850 inform the parent in writing and must provide the parent with
851 information regarding the impact on the student's ability to
852 meet expected performance ~~proficiency~~ levels in reading,
853 writing, ~~and mathematics,~~ and science. The commissioner shall
854 conduct studies as necessary to verify that the required core
855 curricular content is part of the district instructional
856 programs.

857 ~~11.9.~~ District school boards must provide opportunities
858 for students to demonstrate an acceptable performance level ~~of~~
859 ~~performance~~ on an alternative standardized assessment approved
860 by the State Board of Education following enrollment in summer
861 academies.

862 ~~12.10.~~ The Department of Education must develop, or
863 select, and implement a common battery of assessment tools that
864 will be used in all juvenile justice programs in the state.
865 These tools must accurately measure the core curricular content
866 established in the Next Generation Sunshine State Standards.

867 ~~13.11.~~ For students seeking a special diploma pursuant to

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868 s. 1003.438, the Department of Education must develop or select
869 and implement an alternate assessment tool that accurately
870 measures the core curricular content established in the Next
871 Generation Sunshine State Standards for students with
872 disabilities under s. 1003.438.

873 ~~14.12.~~ The Commissioner of Education shall establish
874 schedules for the administration of statewide assessments and
875 the reporting of student test results. When establishing the
876 schedules for the administration of statewide assessments, the
877 commissioner shall consider the observance of religious and
878 school holidays. The commissioner shall, by August 1 of each
879 year, notify each school district in writing and publish on the
880 department's Internet website the testing and reporting
881 schedules for, at a minimum, the school year following the
882 upcoming school year. The testing and reporting schedules shall
883 require that:

884 a. There is the latest possible administration of
885 statewide assessments and the earliest possible reporting to the
886 school districts of student test results which is feasible
887 within available technology and specific appropriations;
888 however, test results for the FCAT must be made available no
889 later than the week of June 8. Student results for end-of-course
890 assessments must be provided no later than 1 week after the
891 school district completes testing for each course ~~final day of~~
892 ~~the regular school year for students.~~

893 b. Beginning with the 2010-2011 school year, FCAT Writing
894 ~~a comprehensive statewide assessment of writing~~ is not
895 administered earlier than the week of March 1 and a

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896 comprehensive statewide assessment of any other subject is not
897 administered earlier than the week of April 15.

898 c. A statewide, standardized end-of-course assessment is
899 administered during a 3-week period at the end ~~within the last 2~~
900 ~~weeks~~ of the course. The commissioner shall select a 3-week
901 administration period for assessments that meets the intent of
902 end-of-course assessments and provides student results prior to
903 the end of the course. School districts shall select one testing
904 week within the 3-week administration period for each end-of-
905 course assessment. For an end-of-course assessment administered
906 at the end of the first semester, the commissioner shall
907 determine the most appropriate testing dates based on a school
908 district's academic calendar.

909
910 The commissioner may, based on collaboration and input from
911 school districts, design and implement student testing programs,
912 for any grade level and subject area, necessary to effectively
913 monitor educational achievement in the state, including the
914 measurement of educational achievement of the Next Generation
915 Sunshine State Standards for students with disabilities.
916 Development and refinement of assessments shall include
917 universal design principles and accessibility standards that
918 will prevent any unintended obstacles for students with
919 disabilities while ensuring the validity and reliability of the
920 test. These principles should be applicable to all technology
921 platforms and assistive devices available for the assessments.
922 The field testing process and psychometric analyses for the
923 statewide assessment program must include an appropriate

924 percentage of students with disabilities and an evaluation or
 925 determination of the effect of test items on such students.

926 (6) SCHOOL TESTING PROGRAMS.—Each public school shall
 927 participate in the statewide assessment program in accordance
 928 with the testing and reporting schedules published by the
 929 Commissioner of Education under subparagraph (3)(c)14.12. unless
 930 specifically exempted by state board rule based on serving a
 931 specialized population for which standardized testing is not
 932 appropriate. Student performance data shall be analyzed and
 933 reported to parents, the community, and the state. Student
 934 performance data shall be used in developing objectives of the
 935 school improvement plan, evaluation of instructional personnel,
 936 evaluation of administrative personnel, assignment of staff,
 937 allocation of resources, acquisition of instructional materials
 938 and technology, performance-based budgeting, and promotion and
 939 assignment of students into educational programs. The analysis
 940 of student performance data also must identify strengths and
 941 needs in the educational program and trends over time. The
 942 analysis must be used in conjunction with the budgetary planning
 943 processes developed pursuant to s. 1008.385 and the development
 944 of the programs of remediation.

945 (9) APPLICABILITY OF TESTING STANDARDS.—

946 (a) If the Commissioner of Education revises a statewide
 947 assessment and the revisions require the State Board of
 948 Education to modify the assessment's performance ~~proficiency~~
 949 levels or modify the passing scores ~~required for a standard high~~
 950 ~~school diploma~~, until the state board adopts the modifications
 951 by rule, the commissioner shall use calculations for scoring the

952 assessment which adjust student scores on the revised assessment
 953 for statistical equivalence to student scores on the former
 954 assessment.

955 (b) A student must attain the passing scores on the
 956 statewide assessment required for a standard high school diploma
 957 or for high school course credits under sub-sub-subparagraphs
 958 (3)(c)2.a.(I) and (II) which are in effect at the time the
 959 student enters grade 9. If a student transfers into a high
 960 school, the school principal shall determine, in accordance with
 961 State Board of Education rule, whether the student must take an
 962 end-of-course assessment in a course for which the student has
 963 credit that was earned from the previous school ~~if the student's~~
 964 ~~enrollment is continuous.~~

965 (c) If the commissioner revises a statewide assessment and
 966 the revisions require the State Board of Education to modify the
 967 passing scores required for a standard high school diploma or
 968 for high school course credits under sub-sub-subparagraphs
 969 (3)(c)2.a.(I) and (II), the commissioner may, with approval of
 970 the state board, discontinue administration of the former
 971 assessment upon the graduation, based on normal student
 972 progression, of students participating in the final regular
 973 administration of the former assessment. The state board shall
 974 adopt by rule passing scores for the revised assessment which
 975 are statistically equivalent to passing scores on the
 976 discontinued assessment for a student required under paragraph
 977 (b) to attain passing scores on the discontinued assessment.

978 (10) CONCORDANT SCORES FOR THE FCAT.—

979 (a) The Commissioner ~~State Board~~ of Education shall

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980 analyze the content and concordant data sets for nationally
981 recognized ~~widely used~~ high school achievement tests, including,
982 but not limited to, the PSAT, PLAN, SAT, ACT, and College
983 Placement Test, to assess if concordant scores for FCAT scores
984 can be determined for high school graduation, ~~college placement,~~
985 ~~and scholarship awards.~~ When ~~In cases where~~ content alignment
986 and concordant scores can be determined, the Commissioner of
987 Education shall adopt those scores as meeting the graduation
988 requirement in lieu of achieving the FCAT passing score and may
989 adopt those scores as being sufficient to achieve additional
990 purposes as determined by rule. Each time that test content or
991 scoring procedures change for the FCAT or for a high school
992 achievement test for which a concordant score is determined, new
993 concordant scores must be determined.

994 ~~(b) In order to use a concordant subject area score~~
995 ~~pursuant to this subsection to satisfy the assessment~~
996 ~~requirement for a standard high school diploma as provided in s.~~
997 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
998 ~~take each subject area of the grade 10 FCAT a total of three~~
999 ~~times without earning a passing score. The requirements of this~~
1000 ~~paragraph shall not apply to a new student who enters the~~
1001 ~~Florida public school system in grade 12, who may either achieve~~
1002 ~~a passing score on the FCAT or use an approved subject area~~
1003 ~~concordant score to fulfill the graduation requirement.~~

1004 (b)(e) The State Board of Education may define by rule the
1005 allowable uses, other than to satisfy the high school graduation
1006 requirement, for concordant scores as described in this
1007 subsection. Such uses may include, but need not be limited to,

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1008 achieving appropriate standardized test scores required for the
1009 awarding of Florida Bright Futures Scholarships and college
1010 placement.

1011 (11) EQUIVALENT SCORES FOR END-OF-COURSE ASSESSMENTS.-

1012 (a) The Commissioner of Education shall analyze the
1013 content and equivalent data sets for nationally recognized high
1014 school achievement tests and industry certification tests under
1015 the Industry Certification Funding List, pursuant to rules
1016 adopted by the State Board of Education, including, but not
1017 limited to, grade 10 FCAT Mathematics retakes until such retakes
1018 are discontinued pursuant to subsection (9), the PSAT, the PLAN,
1019 the SAT, the ACT, and the College Placement Test, to assess if
1020 equivalent scores for end-of-course assessment scores can be
1021 determined for passage of an end-of-course assessment. When
1022 content alignment and equivalent scores can be determined, the
1023 Commissioner of Education shall adopt those scores as meeting
1024 the requirement to pass the end-of-course assessment and as
1025 being sufficient to achieve additional purposes as determined by
1026 rule. Each time that assessment content or scoring procedures
1027 change for an end-of-course assessment or for a high school
1028 achievement test or an industry certification test under the
1029 Industry Certification Funding List, pursuant to rules adopted
1030 by the State Board of Education for which an equivalent score is
1031 determined, new equivalent scores must be determined.

1032 (b) Use of an equivalent score adopted by the State Board
1033 of Education under paragraph (a) for purposes of grade
1034 adjustment, grade forgiveness, or course credit recovery is
1035 contingent upon and subject to district school board rules.

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1036 ~~(12)~~~~(11)~~ REPORTS.—The Department of Education shall
 1037 annually provide a report to the Governor, the President of the
 1038 Senate, and the Speaker of the House of Representatives on the
 1039 following:

1040 (a) Longitudinal performance of students in mathematics
 1041 and reading.

1042 (b) Longitudinal performance of students by grade level in
 1043 mathematics and reading.

1044 (c) Longitudinal performance regarding efforts to close
 1045 the achievement gap.

1046 (d) Other student performance data based on national norm-
 1047 referenced and criterion-referenced tests, when available, and
 1048 numbers of students who after 8th grade enroll in adult
 1049 education rather than other secondary education.

1050 ~~(13)~~~~(12)~~ RULES.—The State Board of Education shall adopt
 1051 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1052 provisions of this section.

1053 Section 9. Paragraph (a) of subsection (4) of section
 1054 1008.25, Florida Statutes, is amended to read:

1055 1008.25 Public school student progression; remedial
 1056 instruction; reporting requirements.—

1057 (4) ASSESSMENT AND REMEDIATION.—

1058 (a) Each student must participate in the statewide
 1059 assessment tests required by s. 1008.22. Each student who does
 1060 not meet specific levels of performance as determined by the
 1061 district school board in FCAT reading, writing, science, and
 1062 mathematics for each grade level, or who scores below Level 3 in
 1063 FCAT reading or FCAT mathematics ~~math~~, must be provided with

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1064 additional diagnostic assessments to determine the nature of the
 1065 student's difficulty, the areas of academic need, and strategies
 1066 for appropriate intervention and instruction as described in
 1067 paragraph (b).

1068 Section 10. Subsection (3) of section 1008.30, Florida
 1069 Statutes, is amended to read:

1070 1008.30 Common placement testing for public postsecondary
 1071 education.--

1072 (3) The State Board of Education shall adopt rules that
 1073 require high schools to evaluate before the beginning of grade
 1074 12 the college readiness of each student who indicates an
 1075 interest in postsecondary education and scores at Level 2 or
 1076 Level 3 on the reading portion of the grade 10 FCAT or Level 2,
 1077 Level 3, or Level 4 on the mathematics assessments under s.
 1078 1008.22(3)(c) ~~portion of the grade 10 FCAT~~. High schools shall
 1079 perform this evaluation using results from the corresponding
 1080 component of the common placement test prescribed in this
 1081 section, or an equivalent test identified by the State Board of
 1082 Education. The Department of Education shall purchase or develop
 1083 the assessments necessary to perform the evaluations required by
 1084 this subsection and shall work with the school districts to
 1085 administer the assessments. The State Board of Education shall
 1086 establish by rule the minimum test scores a student must achieve
 1087 to demonstrate readiness. Students who demonstrate readiness by
 1088 achieving the minimum test scores established by the state board
 1089 and enroll in a community college within 2 years of achieving
 1090 such scores shall not be required to enroll in remediation
 1091 courses as a condition of acceptance to any community college.

1092 The high school shall use the results of the test to advise the
 1093 students of any identified deficiencies and to the maximum
 1094 extent practicable provide 12th grade students access to
 1095 appropriate remedial instruction prior to high school
 1096 graduation. The remedial instruction provided under this
 1097 subsection shall be a collaborative effort between secondary and
 1098 postsecondary educational institutions. To the extent courses
 1099 are available, the Florida Virtual School may be used to provide
 1100 the remedial instruction required by this subsection.

1101 Section 11. Paragraphs (b) and (c) of subsection (3) of
 1102 section 1008.34, Florida Statutes, are amended to read:

1103 1008.34 School grading system; school report cards;
 1104 district grade.—

1105 (3) DESIGNATION OF SCHOOL GRADES.—

1106 (b)1. A school's grade shall be based on a combination of:

1107 a. Student achievement scores, including achievement on
 1108 all FCAT assessments administered under s. 1008.22(3)(c)1., end-
 1109 of-course assessments administered under s. 1008.22(3)(c)2.a.,
 1110 and achievement scores for students seeking a special diploma.

1111 b. Student learning gains in reading and mathematics as
 1112 measured by ~~annual~~ FCAT and end-of-course assessments, as
 1113 described in s. 1008.22(3)(c)1. and 2.a. in grades 3 through 10;
 1114 Learning gains for students seeking a special diploma, as
 1115 measured by an alternate assessment tool, shall be included not
 1116 later than the 2009-2010 school year.

1117 c. Improvement of the lowest 25th percentile of students
 1118 in the school in reading and ~~7~~ mathematics, ~~or writing~~ on the
 1119 FCAT or end-of-course assessments described in s.

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1120 1008.22(3)(c)2.a., unless these students are exhibiting
 1121 satisfactory performance.

1122 2. Beginning with the 2009-2010 school year for schools
 1123 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 1124 11, and 12, 50 percent of the school grade shall be based on a
 1125 combination of the factors listed in sub-subparagraphs 1.a.-c.
 1126 and the remaining 50 percent on the following factors:

1127 a. The high school graduation rate of the school;

1128 b. As valid data becomes available, the performance and
 1129 participation of the school's students in College Board Advanced
 1130 Placement courses, International Baccalaureate courses, dual
 1131 enrollment courses, and Advanced International Certificate of
 1132 Education courses; and the students' achievement of national
 1133 industry certification identified in the Industry Certification
 1134 Funding List, pursuant to rules adopted by the State Board of
 1135 Education, ~~as determined by the Agency for Workforce Innovation~~
 1136 ~~under s. 1003.492(2) in a career and professional academy, as~~
 1137 ~~described in s. 1003.493;~~

1138 c. Postsecondary readiness of the school's students as
 1139 measured by the SAT, ACT, or the common placement test;

1140 d. The high school graduation rate of at-risk students who
 1141 scored at Level 2 or lower on the grade 8 FCAT Reading and
 1142 Mathematics examinations;

1143 e. As valid data becomes available, the performance of the
 1144 school's students on statewide standardized end-of-course
 1145 assessments administered under s. 1008.22(3)(c)2.b. and c. ~~s.~~
 1146 ~~1008.22;~~ and

1147 f. The growth or decline in the components listed in sub-

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1148 subparagraphs a.-e. from year to year.

1149 (c) Student assessment data used in determining school
1150 grades shall include:

1151 1. The aggregate scores of all eligible students enrolled
1152 in the school who have been assessed on the FCAT and statewide,
1153 standardized end-of-course assessments in courses required for
1154 high school graduation, including, beginning with the 2010-2011
1155 school year, the end-of-course assessment in Algebra I, and
1156 beginning with the 2011-2012 school year, the end-of-course
1157 assessments in geometry and Biology.

1158 2. The aggregate scores of all eligible students enrolled
1159 in the school who have been assessed on the FCAT and end-of-
1160 course assessments as described in s. 1008.22(3)(c)2.a., and who
1161 have scored at or in the lowest 25th percentile of students in
1162 the school in reading and, mathematics, ~~or writing,~~ unless these
1163 students are exhibiting satisfactory performance.

1164 3. ~~Effective with the 2005-2006 school year,~~ The
1165 achievement scores and learning gains of eligible students
1166 attending alternative schools that provide dropout prevention
1167 and academic intervention services pursuant to s. 1003.53. The
1168 term "eligible students" in this subparagraph does not include
1169 students attending an alternative school who are subject to
1170 district school board policies for expulsion for repeated or
1171 serious offenses, who are in dropout retrieval programs serving
1172 students who have officially been designated as dropouts, or who
1173 are in programs operated or contracted by the Department of
1174 Juvenile Justice. The student performance data for eligible
1175 students identified in this subparagraph shall be included in

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1176 the calculation of the home school's grade. As used in this
 1177 section and s. 1008.341, the term "home school" means the school
 1178 to which the student would be assigned if the student were not
 1179 assigned to an alternative school. If an alternative school
 1180 chooses to be graded under this section, student performance
 1181 data for eligible students identified in this subparagraph shall
 1182 not be included in the home school's grade but shall be included
 1183 only in the calculation of the alternative school's grade. A
 1184 school district that fails to assign the FCAT and end-of-course
 1185 assessment as described in s. 1008.22(3)(c)2.a. scores of each
 1186 of its students to his or her home school or to the alternative
 1187 school that receives a grade shall forfeit Florida School
 1188 Recognition Program funds for 1 fiscal year. School districts
 1189 must require collaboration between the home school and the
 1190 alternative school in order to promote student success. This
 1191 collaboration must include an annual discussion between the
 1192 principal of the alternative school and the principal of each
 1193 student's home school concerning the most appropriate school
 1194 assignment of the student.

1195 4. ~~Beginning with the 2009-2010 school year~~ For schools
 1196 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 1197 11, and 12, the data listed in subparagraphs 1.-3. and the
 1198 following data as the Department of Education determines such
 1199 data are valid and available:

- 1200 a. The high school graduation rate of the school as
- 1201 calculated by the Department of Education;
- 1202 b. The participation rate of all eligible students
- 1203 enrolled in the school and enrolled in College Board Advanced

1204 Placement courses; International Baccalaureate courses; dual
 1205 enrollment courses; Advanced International Certificate of
 1206 Education courses; and courses or sequence of courses leading to
 1207 national industry certification identified in the Industry
 1208 Certification Funding List, pursuant to rules adopted by the
 1209 State Board of Education, ~~as determined by the Agency for~~
 1210 ~~Workforce Innovation under s. 1003.492(2) in a career and~~
 1211 ~~professional academy, as described in s. 1003.493;~~

1212 c. The aggregate scores of all eligible students enrolled
 1213 in the school in College Board Advanced Placement courses,
 1214 International Baccalaureate courses, and Advanced International
 1215 Certificate of Education courses;

1216 d. Earning of college credit by all eligible students
 1217 enrolled in the school in dual enrollment programs under s.
 1218 1007.271;

1219 e. Earning of a national ~~an~~ industry certification
 1220 identified in the Industry Certification Funding List, pursuant
 1221 to rules adopted by the State Board of Education, ~~as determined~~
 1222 ~~by the Agency for Workforce Innovation under s. 1003.492(2) in a~~
 1223 ~~career and professional academy, as described in s. 1003.493;~~

1224 f. The aggregate scores of all eligible students enrolled
 1225 in the school in reading, mathematics, and other subjects as
 1226 measured by the SAT, the ACT, and the common placement test for
 1227 postsecondary readiness;

1228 g. The high school graduation rate of all eligible at-risk
 1229 students enrolled in the school who scored at Level 2 or lower
 1230 on the grade 8 FCAT Reading and Mathematics examinations;

1231 h. The performance of the school's students on statewide

1232 standardized end-of-course assessments administered under s.
 1233 1008.22(3)(c)2.b. and c. s. ~~1008.22~~; and

1234 i. The growth or decline in the data components listed in
 1235 sub-subparagraphs a.-h. from year to year.

1236
 1237 The State Board of Education shall adopt appropriate criteria
 1238 for each school grade. The criteria must also give added weight
 1239 to student achievement in reading. Schools designated with a
 1240 grade of "C," making satisfactory progress, shall be required to
 1241 demonstrate that adequate progress has been made by students in
 1242 the school who are in the lowest 25th percentile in reading and
 1243 mathematics, ~~or writing~~ on the FCAT and end-of-course
 1244 assessments as described in s. 1008.22(3)(c)2.a., unless these
 1245 students are exhibiting satisfactory performance. Beginning with
 1246 the 2009-2010 school year for schools comprised of high school
 1247 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria
 1248 for school grades must also give added weight to the graduation
 1249 rate of all eligible at-risk students, as defined in this
 1250 paragraph. Beginning in the 2009-2010 school year, in order for
 1251 a high school to be designated as having a grade of "A," making
 1252 excellent progress, the school must demonstrate that at-risk
 1253 students, as defined in this paragraph, in the school are making
 1254 adequate progress.

1255 Section 12. Subsection (3) of section 1008.341, Florida
 1256 Statutes, is amended to read:

1257 1008.341 School improvement rating for alternative
 1258 schools.—

1259 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data

1260 used in determining an alternative school's school improvement
 1261 rating shall include:

1262 (a) The aggregate scores on statewide assessments
 1263 administered under s. 1008.22 for ~~of~~ all eligible students who
 1264 were assigned to and enrolled in the school during the October
 1265 or February FTE count, ~~who have been assessed on the FCAT,~~ and
 1266 who have FCAT or comparable scores for the preceding school
 1267 year.

1268 (b) The aggregate scores on statewide assessments
 1269 administered under s. 1008.22 for ~~of~~ all eligible students who
 1270 were assigned to and enrolled in the school during the October
 1271 or February FTE count, ~~who have been assessed on the FCAT~~ and
 1272 who have scored in the lowest 25th percentile of students in the
 1273 state on FCAT Reading.

1274
 1275 The assessment scores of students who are subject to district
 1276 school board policies for expulsion for repeated or serious
 1277 offenses, who are in dropout retrieval programs serving students
 1278 who have officially been designated as dropouts, or who are in
 1279 programs operated or contracted by the Department of Juvenile
 1280 Justice may not be included in an alternative school's school
 1281 improvement rating.

1282 Section 13. Subsection (4) of section 1008.36, Florida
 1283 Statutes, is amended to read:

1284 1008.36 Florida School Recognition Program.—

1285 (4) All selected schools shall receive financial awards
 1286 depending on the availability of funds appropriated and the
 1287 number and size of schools selected to receive an award. Funds

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1288 must be distributed to the school's fiscal agent and placed in
 1289 the school's account and must be used for purposes listed in
 1290 subsection (5) as determined jointly by the school's staff and
 1291 school advisory council. If school staff and the school advisory
 1292 council cannot reach agreement by ~~February~~ November 1, the
 1293 awards must be equally distributed to all classroom teachers
 1294 currently teaching in the school. If a school selected to
 1295 receive a school recognition award is no longer in existence at
 1296 the time the award is paid, the district school superintendent
 1297 shall distribute the funds to teachers who taught at the school
 1298 in the previous year in the form of a bonus.

1299
 1300 Notwithstanding statutory provisions to the contrary, incentive
 1301 awards are not subject to collective bargaining.

1302 Section 14. The Office of Program Policy Analysis and
 1303 Government Accountability (OPPAGA) shall conduct a study on the
 1304 different types of high school diplomas offered in other states.
 1305 The study must provide information regarding differentiated high
 1306 school diploma options and endorsements that other states offer,
 1307 including the criteria for awarding the diplomas or
 1308 endorsements, the differences in courses required for college
 1309 and career pathways, the advantages and disadvantages of
 1310 offering a range of diploma options, and any barriers other
 1311 states have encountered when implementing differentiated diploma
 1312 options. OPPAGA shall submit the results of the study to the
 1313 Governor, the President of the Senate, and the Speaker of the
 1314 House of Representatives no later than January 31, 2011.

1315 Section 15. This act shall take effect July 1, 2010.

The bill will have an indeterminate fiscal impact on the DOE and school districts. See Fiscal Analysis & Economic Impact Statement.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Teacher Quality

Overview

Experts agree that teacher quality is the most important school-level variable influencing student achievement. A study that examined the cumulative and residual effects of teacher quality on student performance found that standardized mathematics assessment scores for students who were taught by a low-performing teacher for three consecutive years were 53 percentile points lower than those of students who were taught by a high-performing teacher for three consecutive years. Further, the study showed that being taught by a low-performing teacher for even one year had a negative impact on long-term student achievement.¹

With this in mind, the National Council on Teacher Quality (NCTQ), a nonpartisan research and advocacy group, publishes an annual State Teacher Policy Yearbook grading every state on how the state prepares, recruits, and evaluates teachers, as well as how the state uses such evaluation to retain effective teachers and exit ineffective teachers.² In 2009, the NCTQ gave Florida an overall grade of "C." Florida received the highest mark (B-) for how the state expands the pool of teachers, particularly with regard to offering alternative routes to certification for non-traditional teaching candidates. The state received the lowest mark (C-) for identifying effective teachers. The report commended Florida's longitudinal data system, but lamented the state's policy of awarding tenure³ "virtually automatically."

According to the NCTQ, Florida's failure to use annual performance evaluations or any measure of classroom effectiveness as a consideration for making tenure decisions provides a major setback to improving teacher quality. While Florida teachers are subject to annual performance evaluations in

¹ Sanders and Rivers, *Cumulative and Residual Effects of Teachers on Future Student Achievement* (1996), available at <http://www.mccsc.edu/~curriculum/cumulative%20and%20residual%20effects%20of%20teachers.pdf>.

² National Council on Teacher Quality, 2009 State Teacher Policy Yearbook: National Report (2009), available at http://www.nctq.org/stpy09/reports/stpy_national.pdf.

³ Although Florida law does not explicitly use the term "tenure" for K-12 teachers, state law allows a teacher to receive an automatically renewing "professional service contract" after three annual contracts. See text accompanying *infra* notes 28-30.

which student performance is the “primary” factor,⁴ no evidence of teacher effectiveness is required to earn tenure. According to the NCTQ, classroom effectiveness, not years of experience, should be the primary factor in awarding tenure.⁵

The report recommends a number of reforms, including extending the probationary period and requiring a meaningful evaluation of teacher effectiveness before awarding tenure, tying certification requirements to demonstrated classroom effectiveness, and providing performance pay.⁶

Other national research has echoed similar recommendations. A 2006 policy brief by the Hamilton Project, which is housed at the Brookings Institution, made specific recommendations for improving teacher quality. The recommendations included reducing the barriers to entry into teaching for those without traditional teacher certification, making it harder to promote the least effective teachers to tenured positions, and providing bonuses to highly effective teachers willing to teach in schools with a high proportion of low-income students.⁷

A 2009 report by the Center for American Progress emphasized many of the same ideas. The report recommended supporting alternative teacher certification pathways, reforming teacher pay to reward teachers who improve student achievement, and empowering principals to fire ineffective teachers. The report gave Florida a grade of “F” for its policies related to removing ineffective teachers, based largely on the obstacle of tenure and the length of time and burdensome documentation required.⁸

Performance Assessment

Current Law

Florida law requires each district school superintendent to establish procedures to assess the job performance of district instructional, administrative, and supervisory personnel.⁹ The Department of Education (DOE) must approve each school district’s performance assessment system.¹⁰ The following conditions must be considered in the design of the performance assessment system:

- The system must be designed to support district- and school-level improvement plans.
- The system must provide appropriate instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.
- The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments, when appropriate.
- In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.
- District school boards may establish a peer assistance process, a mechanism for assisting persons placed on probation, and offer assistance to employees who request it.
- District school boards must provide training programs that are based upon guidelines provided by the DOE to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures.¹¹

A performance assessment must be conducted at least once per year for all instructional personnel¹² and school administrators.¹³ The annual performance assessment must be based upon sound

⁴ The meaning of the term “primary” varies among school districts as does the weight assigned to student performance when evaluating teachers.

⁵ National Council on Teacher Quality, 2009 State Teacher Policy Yearbook: Florida, 78-80 (2009) *available at* http://www.nctq.org/stpy09/reports/stpy_florida.pdf.

⁶ *Id.*

⁷ The Brookings Institution, *Identifying Effective Teachers Using Performance on the Job* (April 2006), *available at* http://www.brookings.edu/~media/Files/rc/papers/2006/04education_gordon/200604hamilton_1.pdf.

⁸ Center for American Progress, *Leaders and Laggards: A State-by-State Report Card on Educational Innovation* (November 2009), *available at* http://www.americanprogress.org/issues/2009/11/pdf/leaders_and_laggards.pdf.

⁹ “Supervisory personnel” is not defined in ch. 1012, F.S.

¹⁰ Section 1012.34(1), F.S.

¹¹ Section 1012.34(2), F.S.

educational principles and contemporary research in effective educational practices.¹⁴ The performance assessment criteria must include, but are not limited to, indicators related to the following:

- Performance of students.
- Ability to maintain appropriate discipline.
- Knowledge of subject matter.
- Ability to plan and deliver instruction and the use of technology in the classroom.
- Ability to evaluate instructional needs.
- Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
- Other professional competencies, responsibilities, and requirements established by the State Board of Education (SBE) and policies of the district school board.¹⁵

The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. Student performance must be measured by statewide assessments and by local assessments for subjects and grade levels not measured by the statewide assessment program.¹⁶ The term "primarily based" is not defined in statute or rule. Thus, the weight assigned to student performance varies among school districts.¹⁷

SBE rule establishes three performance designations for instructional personnel and school administrators: unsatisfactory, satisfactory, and outstanding.¹⁸ While student performance is the primary factor considered in assessing performance, a school district may charge an employee with unsatisfactory performance for reasons other than poor student performance.¹⁹

During the 2008-2009 school year, 237,868 teachers were evaluated in 77 school districts (includes lab schools). Districts reported that 99.74 percent of teachers received satisfactory (or higher) ratings.²⁰ More than half of the districts reported that 100 percent of teachers received satisfactory ratings.²¹

¹² Instructional personnel provide direct instructional services or direct instructional support to students in grades K-12. Instructional personnel include classroom teachers; staff who provide student personnel services (e.g., guidance counselors, social workers, career specialists, and school psychologists); librarians and media specialists; other instructional staff (e.g., learning resource specialists); and education paraprofessionals. Classroom teachers provide classroom instruction to students, including basic instruction, exceptional student education, career education, and adult education. Section 1012.01(2), F.S.

¹³ Administrative personnel perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. School administrators include school principals, school directors, career center directors, and assistant principals. Section 1012.01(3), F.S.

¹⁴ Section 1012.34(3), F.S.

¹⁵ Section 1012.34(3)(a), F.S. The Educator Accomplished Practices are adopted in rule and include include several competencies and skills that are essential to effective teaching. Rule 6A-5.065, F.A.C. Likewise, the Florida Principal Leadership Standards provide the essential competencies and skills for school administrators. Rule 6A-5.080, F.A.C.

¹⁶ Section 1012.34(3), F.S. The state's assessment program for public schools is the Florida Comprehensive Assessment Test. *See* § 1008.22, F.S.

¹⁷ Florida Department of Education, *Legislative Bill Analysis for SB 6* (2010).

¹⁸ Rule 6B-4.010(1)(c)2., F.A.C.

¹⁹ Section 1012.34(3), F.S. In 2004, the Legislature amended this section to clarify that an employee may be charged with unsatisfactory performance based on performance deficiencies other than student performance (e.g., failure to maintain appropriate discipline, failure to plan instruction, failure to teach assigned subject matter, etc.). Section 11, ch. 2004-295, L.O.F. Prior to this clarification, some Florida courts construed this section to require the charge of unsatisfactory performance to be based solely on student performance. *See Sherrod v. Palm Beach County School Board*, 963 So. 2d 251 (4th D.C.A. 2006) and *Young v. Palm Beach County School Board*, 968 So. 2d 38 (4th D.C.A. 2006).

²⁰ Districts report data by instructional staff member as to satisfactory/unsatisfactory evaluations to the Automated Staff Information Database. Email from Department of Education staff (March 4, 2010).

²¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010). A total of 39 districts reported 100 percent of teachers receiving satisfactory ratings. Those districts are (total number of teachers): Baker (586), Bay (1,671), Bradford (251), Broward (26,476), Calhoun (311), Clay (3,179), DeSoto (421), Escambia (3,827), Flagler (1,280), Franklin (169), Gadsden (589), Gilchrist (306), Glades (131), Gulf (226), Hendry (420), Hillsborough (19,599), Holmes (363), Jackson (773), Jefferson (146), Madison (282), Marion (2,966), Miami-Dade (31,616), Nassau (1,004), Pasco (6,937), Santa Rosa (2,376), Sarasota (4,086), Seminole (5,631), Suwannee (542), Taylor (344), Volusia (1,636), Wakulla (457), Walton (974), Washington (438), Florida

Given that no school district had more than 68 percent of its students make learning gains in reading in 2008-2009,²² it is questionable how 100 percent of teachers in *any* district are rated as satisfactory.

Effect of Proposed Changes

The bill requires school districts to evaluate beginning teachers, teachers who hold a valid professional certificate from another state, and teachers with a Florida professional certificate who have not taught in the classroom at any time during the previous five years at least twice in the first year of teaching in a Florida public school. The performance of other employees must be evaluated at least once per year.

Under the bill, each district's performance appraisal system must differentiate among four rating categories: unsatisfactory, needs improvement, effective, and highly effective. The Commissioner of Education (Commissioner) must consult with performance pay experts and classroom teachers in developing the rating categories. Beginning with the 2014-2015 school year and thereafter, instructional personnel and school administrators may not be rated as effective or highly effective if their students fail to demonstrate learning gains.

The bill establishes two categories of performance appraisal criteria for instructional personnel and school administrators. Instructional personnel are evaluated based on student performance and instructional practice. School administrators are evaluated based on student performance and instructional leadership. Instructional practice criteria are based on the Florida Educator Accomplished Practices. Instructional leadership criteria are based on the Florida Principal Leadership Standards. These practices and standards must be adopted by the SBE in rule.

The bill revises the existing performance appraisal criteria to allow for the consideration of advanced degrees held by instructional personnel when evaluating their knowledge of subject area. The bill deletes the performance appraisal criteria pertaining to the "ability to evaluate instructional needs" and replaces it with the ability to use assessment data and other evidence to differentiate instruction to meet student needs for remediation or acceleration.

Beginning July 1, 2010, more than 50 percent of the performance appraisal for instructional personnel and school administrators must be based upon student *performance*. Student performance will be measured by statewide assessments and, for subjects and grade levels not tested by statewide assessments, local assessments. This provision expires July 1, 2014.

Beginning with the 2014-2015 school year, more than 50 percent of the performance appraisal for instructional personnel and school administrators will be based upon student *learning gains*. The bill authorizes districts to use student assessment results from the preceding three years to measure learning gains.

For classroom teachers, student performance and learning gains will be based on students assigned to their classroom. For school administrators and instructional personnel who are not classroom teachers, student performance and learning gains will be based on students assigned to the school.

Student learning gains will be measured by existing statewide assessments or Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and industry certification examinations. For subject areas and grade levels that are not tested by these examinations, districts must develop or acquire valid and reliable end-of-course assessments to measure student learning gains.

Each performance appraisal system must include processes for monitoring the effective and consistent use of the appraisal criteria by supervisors and administrators and for evaluating the overall effectiveness of the system. The bill adds provisions authorizing an employee on annual contract who

School for the Deaf and the Blind (123), Arthur G. Dozier School for Boys (46), Florida Virtual School (993), Florida A&M University Lab School (49), Florida Connections Academy (21), and Florida Virtual Academy (13).

²² Florida Department of Education, *School Accountability Reports*, <http://schoolgrades.fldoe.org/default.asp> (last visited March 5, 2010).

receives an unsatisfactory performance appraisal to request a review of the appraisal by the district school superintendent. The superintendent is authorized, but not required, to review the appraisal.

The bill requires the DOE to approve each school district's performance appraisal system and appraisal instruments for instructional personnel and school administrators. The DOE must collect from each school district the performance ratings of all instructional personnel and school administrators and report the percentage of each of these employees receiving each rating category by school and by district to the Governor and the Legislature. The SBE must adopt rules establishing the method for calculating rates of student learning tied to the four rating categories.

Contracts for Instructional Personnel

Current Law

Instructional personnel newly hired on or after July 1, 1984, may earn a professional service contract²³ if the employee completes three years of probationary service in the same school district during a period of not more than five successive years, except for leave duly authorized and granted.²⁴ The probationary service period may be extended to four years if agreed upon in writing by the district school board and the employee.²⁵

During the probationary service period, employees are employed under annual contracts that are not required to be renewed after each year.²⁶ For instructional personnel employed after June 30, 1997, the first annual contract includes a 97-day period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract.²⁷

Upon completion of the probationary period, the employee is eligible to receive a professional service contract if he or she:

- Holds a professional teaching certificate;²⁸ and
- Is recommended by the district school superintendent for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.²⁹

A professional service contract, unlike an annual contract, must be renewed each year unless the district school superintendent charges the employee with unsatisfactory performance based on his or her annual performance assessment.³⁰ The law provides extensive due process procedures for holders of professional service contracts who are charged with unsatisfactory performance. The evaluator must notify the employee of unsatisfactory performance in writing and confer with the employee to discuss the performance evaluation.³¹ Thereafter, the employee must be placed on performance probation for a period of 90 days. While on performance probation, the employee must be periodically evaluated, given performance feedback, and provided assistance and inservice opportunities targeted to correcting performance deficiencies.³² After the close of the 90-day period, the evaluator must determine whether the performance deficiencies have been corrected and make a recommendation to the district school superintendent regarding retention or termination of the employee. After considering the evaluator's recommendation, the superintendent must make a final recommendation on retention or termination to the school board. An employee who wishes to contest the superintendent's recommendation is entitled to a hearing. The school board may choose to conduct its own hearing or provide for a hearing before

²³ See text accompanying *infra* notes 28-34.

²⁴ Section 1012.33(3)(a)2., F.S.

²⁵ Section 1012.33(3)(c), F.S.

²⁶ Section 1012.33(3)(a), F.S.

²⁷ Section 1012.33(3)(a)4., F.S.

²⁸ Section 1012.33(3)(a)1., F.S.

²⁹ Section 1012.33(3)(a)3., F.S.

³⁰ Sections 1012.33(3)(e) & 1012.34(3)(c) & (d), F.S.

³¹ Section 1012.34(3)(d)1., F.S.

³² Section 1012.34(3)(d)2.a., F.S.

an administrative law judge.³³ The employee may appeal an adverse hearing result in state appellate court.³⁴

All contracts must contain provisions for dismissal during the term of the contract only for just cause. Just cause includes immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, as defined by SBE rule.³⁵

Each employee with a written contract must serve the full term of the contract unless released from the contract by the district school board. An employee who breaches this requirement is subject to discipline by the Education Practices Commission.³⁶

If a district school board, when making staff reductions, must choose between retaining employees who hold continuing contracts or those holding professional service contracts, such decision must be made in accordance with a collectively bargained agreement or, in the absence of such an agreement, district school board rule.³⁷

During the 2008-2009 school year, 11,620 teachers left teaching positions in Florida, with 3,554 resigning involuntarily. Of the teachers who resigned involuntarily, 214 were released by the end of the 97-day probationary period, 348 were terminated for performance-related reasons, 570 had professional service or continuing contracts terminated as a result of workforce reduction, and 2,422 did not have annual contracts renewed and were not reappointed.³⁸

Effect of Proposed Changes

The bill ends the use of professional service contracts for classroom teachers hired on or after July 1, 2010. Each beginning classroom teacher will receive a one-year probationary contract in his or her first year of teaching, during which time the teacher may be terminated without cause or resign without breach of contract. This extends the current probationary period from 97 days to one year.

Upon expiration of the one-year probationary contract, a classroom teacher may receive up to four annual contracts if the teacher holds a professional certificate and is recommended by the superintendent and approved by the district school board. In order to receive an annual contract in the sixth year of teaching and thereafter, a classroom teacher must meet the aforementioned requirements and document effective or highly effective performance on annual performance appraisals in at least two of the preceding three years.

A classroom teacher hired on or after July 1, 2010, may be suspended or dismissed at any time during the term of an annual contract for "just cause." Like professional service contracts, the bill establishes grounds for "just cause" suspension or termination that include immorality; misconduct in office; incompetency; gross insubordination; willful neglect of duty; and being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication, any crime involving moral turpitude. Unlike professional service contracts, the bill adds poor performance, as demonstrated by a lack of student learning gains, as a "just cause" ground for terminating or suspending an annual contract during its term. The SBE is required to adopt rules defining "just cause."

The district school board must notify in writing a classroom teacher who is charged with "just cause" and may suspend him or her without pay. If the charges are not sustained, the classroom teacher must be immediately reinstated and paid back pay.

³³ Section 1012.34(3)(d)2.b., F.S.

³⁴ Section 120.68, F.S.

³⁵ Section 1012.33(1)(a), F.S.; Rule 6B-4.009, F.A.C.

³⁶ Section 1012.33(2), F.S.

³⁷ Section 1012.33(5), F.S.

³⁸ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

The bill requires a district school board, when making staff reductions, to base decisions regarding whether to retain employees who hold continuing contracts³⁹ or professional service contracts on the employee's performance as determined on annual performance appraisals. This provision applies to contracts that are newly entered into, extended, or readopted on or after July 1, 2010, and to all contracts on or after July 1, 2013.

Compensation and Salary Schedules

Current Law

Florida law requires district school boards to adopt and use a salary schedule in setting the compensation for district employees. Salary schedules for instructional personnel must partially base each employee's compensation on performance, as measured by annual performance assessments. In addition, the district must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.⁴⁰ In developing a salary schedule, a school district is required to seek input from parents, teachers, and representatives of the business community.⁴¹ Salary schedules for instructional personnel must include differentiated pay based on district-determined factors, including additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.⁴²

School districts bargain collectively with the certified bargaining agent chosen by their employees regarding wages, hours, and terms and conditions of employment.⁴³ Salary schedules for instructional personnel are specifically subject to collective bargaining.⁴⁴

In 2008-2009, the statewide average teacher salary was \$45,938, with a statewide average beginning teacher salary of \$34,606. In addition, the state funded over \$272 million in bonus programs.⁴⁵

Effect of Proposed Changes

Effective July 1, 2014, the bill prohibits the use of years of service or degrees held in setting school district salary schedules for instructional personnel and school administrators. Each district school board must adopt a salary schedule that awards annual salary adjustments to instructional personnel and school administrators based solely upon performance demonstrated on annual performance appraisals. The bill requires each school board to adopt a salary adjustment for differentiated pay for both instructional personnel and school administrators based upon:

- Assignment to a high priority location area;
- Certification and teaching in a critical teacher shortage area; or
- Assignment of additional academic responsibilities.

Continued differentiated pay is contingent upon documentation of performance on annual performance appraisals.

The bill requires each district school board to adopt a separate salary schedule for beginning teachers, teachers who hold a valid professional certificate from another state, and teachers who hold a valid

³⁹ Continuing contracts were replaced by professional service contracts effective July 1, 1984. Section 1012.33(3)(d), F.S.

⁴⁰ Sections 1011.60(4), 1012.22(1)(c)2. & 1012.27(2), F.S.

⁴¹ Sections 1012.22(1)(c)3. & 1012.27(2), F.S.

⁴² Section 1012.22(1)(c)4., F.S.

⁴³ Sections 447.203(2) & 447.309(1), F.S.; see Florida Public Employees Relations Commission, *Scope of Bargaining* (2d ed. Sept. 2005), available at http://perc.myflorida.com/pubs/Scope_of_Bargaining.pdf (Introduction). Section 6, Art. I of the State Constitution establishes the right of employees to collectively bargain: "The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."

⁴⁴ Section 1012.22(1)(c)4., F.S.

⁴⁵ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

Florida professional certificate, but who have not taught in the classroom at any time during the previous certification period. The bill defines “beginning teacher” as a classroom teacher, excluding a substitute teacher, with no prior K-12 teaching experience. This salary schedule is effective for the first year the teacher provides instruction in Florida public schools.

Merit Award Program

Current Law

The Merit Award Program (MAP) provides merit-based pay supplements for high-performing school employees in participating school districts.⁴⁶ A school district that participates in MAP must be able to administer end-of-course examinations in all grade groupings and subjects for any year in which the district participates in the program.⁴⁷ In 2009, the Legislature provided \$20 million for the program.⁴⁸ According to the DOE, four school districts and 180 charter schools participated in MAP during the 2008-2009 school year.⁴⁹

Effect of Proposed Changes

The bill repeals the MAP and related statutory provisions.

Charter Schools

Current Law

Charter schools are generally exempt from the Florida K-20 Education Code (Chapters 1000-1013, F.S.), except statutes specifically stating that they apply to charter schools and statutes pertaining to: student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety, and welfare; public records, public meetings, and public inspection; and criminal and civil penalties. Charter schools are not specifically subject to statutory provisions pertaining to instructional personnel and school administrator performance appraisals and contracts.⁵⁰

Effect of Proposed Changes

The bill prohibits charter schools from awarding professional service contracts to any classroom teacher hired on or after July 1, 2010. Beginning with the 2014-2015 school year and thereafter, a charter school must adopt a salary schedule that provides annual salary adjustments to instructional personnel and school administrators based solely upon on performance, as demonstrated on annual performance appraisals. Charter schools are prohibited from using years of service or degrees held in setting salary schedules.

Beginning with the 2013-2014 school year, each charter school must administer end-of-course assessments that the school develops or acquires in subjects and grade levels that are not tested by statewide assessments or AP, IB, AICE, or industry certification examinations. Charter schools must maintain the security and integrity of such assessments.

Finally, each charter school must adopt a performance appraisal system for instructional personnel and school administrators in the same manner as school districts.

⁴⁶ Section 1012.225, F.S.

⁴⁷ Section 1012.2251, F.S.

⁴⁸ Specific Appropriation 76, § 2, ch. 2009-81, L.O.F.

⁴⁹ Florida Department of Education, *Legislative Bill Analysis for SB 6* (2010).

⁵⁰ Section 1002.33(16), F.S.

District End-of-Course Assessments

Effect of Proposed Changes

The bill requires school districts to develop or acquire valid and reliable end-of-course assessments to measure student learning gains in subject areas and grade levels that are not tested on existing statewide assessments or AP, IB, AICE, or industry certification examinations. Implementation of the district end-of-course assessments occurs in the 2013-2014 school year. Each district school superintendent is responsible for the security of the assessments and must certify the integrity of the exam process to the Commissioner. The superintendent may be removed if his or her certification is determined to be invalid by an audit by the Auditor General or investigation by the Commissioner. The bill requires the Commissioner to identify methods to support school districts in the development or acquisition of the assessments. Such methods may include developing item banks, facilitating the sharing of assessments among districts, and providing technical assistance.

Teacher Quality Accountability

Effect of Proposed Changes

Beginning in the 2011-2012 school year, the bill requires the Commissioner to calculate at the time of the second Florida Education Finance Program (FEFP) calculation an amount of state funds equivalent to five percent of the total state, local, and federal funding determined by the FEFP for each school district and charter school. This amount is the district's or charter school's Performance Fund for Instructional Personnel and School-Based Administrators (Performance Fund). The Commissioner must distribute the Performance Fund as part of each district's or charter school's total allocation of operating funds.

The Performance Fund must be used by districts and charter schools for implementing the bill's requirements regarding salary schedules for instructional personnel and school administrators, performance appraisals, and end-of-course assessments. Such funds may not be used to increase the base salaries or salary adjustments of employees rated as unsatisfactory or needs improvement. A salary increase from these funds must be awarded in addition to any general increase or other adjustments to salaries.

The bill establishes procedures for reviewing school district compliance with the bill's salary schedule and end-of course assessment requirements. Beginning with the 2014-2015 fiscal year, each district school board must annually submit its salary schedule to the Commissioner for review. Beginning with the 2013-2014 fiscal year, the Commissioner must annually select a sample of school district end-of-course assessments from multiple districts for review. The Commissioner must notify the district if its salary schedule and end-of-course assessments are not in compliance and certify district noncompliance to the Governor and Legislature.

The bill requires the Auditor General or independent auditor to review district compliance with classroom teacher contract requirements in each school district's annual financial audit. The auditor must select a sample of the district's contracts for classroom teachers hired on or after July 1, 2010. The auditor must document violations of classroom teacher contract requirements to the Commissioner. The Commissioner must report district noncompliance with such requirements to the Governor, Legislature, and the school district.

Each charter school must certify compliance with statutory provisions governing performance appraisals, salary schedules, end-of-course assessments, and contracts for classroom teachers hired on or after July 1, 2010. The Commissioner must annually select a sample of charter schools and determine compliance with these requirements. The Commissioner must notify the charter school's governing board and sponsor of noncompliance and certify such noncompliance to the Governor and Legislature.

Districts that are not in compliance with salary schedule, end-of-course assessment, or classroom teacher contracting requirements are subject to a funding adjustment in an amount equal to the district's Performance Fund. The funding adjustment will be implemented through the withholding of undistributed funds to which the district is otherwise entitled. If undistributed funds are insufficient to cover the funding adjustment, the unsatisfied balance must be withheld from the district's operating funds for the subsequent fiscal year in the form of a prior year adjustment. Charter schools that do not comply with performance appraisal, salary schedule, end-of-course assessment, or classroom teacher contracting requirements are also subject to a funding adjustment in an amount equivalent to five percent of the total state, local, and federal funding determined by the FEFP.

The bill requires the SBE to adopt rules for implementing the Performance Fund. Such rules include documentation requirements; processes and criteria for determining compliance with performance appraisal, salary schedule, and end-of-course assessment requirements; and reporting and monitoring to ensure that Performance Funds are used for authorized purposes.

Annual Exemption

Effect of Proposed Changes

A school district that received a grant of at least \$75 million from a private foundation⁵¹ for the purpose of improving the effectiveness of teachers within the school district may annually request from the SBE an exemption from bill provisions related to performance pay, performance appraisals, end-of-course assessments, and the Performance Fund. To be granted an exemption, the district must demonstrate that it is implementing:

- A teacher appraisal system that uses student performance as its most significant evaluation factor;
- A teacher compensation system that awards salary increases based on sustained student performance; and
- A teacher contract system that awards contracts based on student performance.

The SBE must adopt rules establishing a procedure for obtaining the exemption.

Academically High-Performing School Districts

Current Law

Academically high-performing school districts are generally exempt from the Florida K-20 Education Code (chs. 1000-1013, F.S.), except statutes pertaining to: student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety, and welfare; election and compensation of school board members; school finance, planning and budgeting; differentiated and performance pay; professional service contracts; educational facilities; and instructional materials. In some cases, specified statutes within these broad categories are eligible for exemption.⁵²

Effect of Proposed Changes

The bill requires academically high-performing school districts to comply with provisions governing contracts for classroom teachers hired on or after July 1, 2010, and performance appraisals for instructional personnel and school administrators.

⁵¹ On November 19, 2009, the Hillsborough County School District received a \$100 million grant award from the Bill and Melinda Gates Foundation. Funds from this grant will be used to implement reforms for the improvement of teacher effectiveness.

⁵² Section 1003.621, F.S.

Educator Certification

Current Law

Classroom teachers and other instructional personnel must be certified.⁵³ The purpose of certification is to protect the educational interests of students, parents, and the public at large by assuring that Florida's teachers are professionally qualified.⁵⁴

There are two types of educator certificates issued to instructional personnel: the professional certificate and the temporary certificate.⁵⁵ The professional certificate is valid for five years and is renewable.⁵⁶ The temporary certificate enables individuals who have not met all of the requirements for professional certification to teach while working towards full certification.⁵⁷ It is valid for three years and is nonrenewable.⁵⁸

Florida law specifies several basic requirements that applicants must meet in order to receive either a professional or temporary certificate. Applicants must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. Constitution and the State Constitution;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a DOE-approved nonaccredited institution.
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.⁵⁹

There are additional requirements for each type of certificate. Before a professional certificate may be issued, an applicant must:

- Demonstrate mastery of general knowledge;⁶⁰
- Demonstrate mastery of subject area knowledge,⁶¹ and
- Demonstrate mastery of professional preparation and education competence.⁶²

An applicant seeking a temporary certificate must:

- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁶³ and

⁵³ Section 1012.55(1), F.S. In addition, a school supervisor, school principal, library media specialist, school counselor, or athletic coach must be certified. *Id.*

⁵⁴ Section 1012.54, F.S.

⁵⁵ Section 1012.56(7), F.S. The DOE also issues certificates for athletic coaches and teachers of the speech and language impaired. These certificates differ from standard professional and temporary certificates. There are two types of athletic coaching certificates: one is valid for five years and is renewable, and the other is valid for three years and is nonrenewable. *See* Rule 6A-4.004(4), F.A.C. The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach. Section 1012.55(2), F.S. The DOE also issues a nonrenewable two-year temporary certificate and a nonrenewable five-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; Rule 6A-4.004(3), F.A.C.

⁵⁶ Section 1012.56(7)(a), F.S.; *see* Rule 6A-4.0051(3)(c), F.A.C.

⁵⁷ *See* Rule 6A-4.004(1)(a), F.A.C.

⁵⁸ Section 1012.56(7), F.S.; Rule 6A-4.004(1)(a), F.A.C.

⁵⁹ Section 1012.56(2)(a)-(f), F.S.

⁶⁰ Section 1012.56(2)(g) & (3), F.S.

⁶¹ Section 1012.56(2)(h) & (5), F.S.

⁶² Section 1012.56(2)(i) & (6), F.S.

- Do one of the following:
 - Demonstrate mastery of subject area knowledge; or
 - Complete the required degree or content courses specified in SBE rule for subject area specialization.⁶⁴

Within one calendar year after employment under a temporary certificate, an educator must demonstrate mastery of general knowledge in order to remain employed in a position that requires a certificate.⁶⁵

Reciprocity is granted to teachers who hold a valid professional standard teaching certificate for a subject area issued by another state,⁶⁶ the National Board of Professional Teaching Standards (NBPTS),⁶⁷ or an SBE-approved national educator credentialing board.⁶⁸ These individuals are deemed to have met the requirements for Florida professional certification, including mastery of general knowledge, subject area knowledge, and professional preparation and education competence.⁶⁹

In the case of a teaching certificate issued by another state, the certificate must be comparable to a Florida Professional Certificate, cover a subject area that is comparable to a Florida certification subject, and require the same or higher level of training as the Florida subject area certification.⁷⁰

In 2008-2009, Florida issued approximately 24 percent of initial certificates based on reciprocity. This includes teachers with teaching certificates from out of state (2,501), teachers who completed an out-of-state teacher preparation program (814), and teachers with certificates issued by the NBPTS (8) and the American Board for Certification of Teacher Excellence (162).⁷¹

Effect of Proposed Changes

The bill revises several requirements related to initial educator certification. Currently, completion of a bachelor's or higher degree from an accredited institution of higher learning or from a DOE-approved nonaccredited institution is a basic requirement for certification. The bill adds provisions authorizing the SBE to adopt rules allowing college course credits recommended by the American Council on Education (ACE)⁷² to satisfy this requirement.

⁶³ Section 1012.56(1)(b), F.S.; Rule 6A-4.004(1)(a)2., F.A.C. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. Section 1012.56(8), F.S. In addition to a professional education competence demonstration program, an educator may attend an Educator Preparation Institute to demonstrate mastery of professional preparation and education competence. Section 1004.85(3)(d), F.S.

⁶⁴ Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

⁶⁵ Section 1012.56(7), F.S. (flush-left provisions at end of subsection). If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year. *Id.*

⁶⁶ Section 1012.56(5)(e), F.S.; see Rules 6A-4.002(1)(i)1.-2. & 6A-4.003, F.A.C. (flush-left provisions following Rule 6A-4.003(2)(e), F.A.C.)

⁶⁷ Section 1012.56(5)(f), F.S. According to the DOE, 31 NBPTS certification subject area coverages currently align with Florida coverages. Florida Department of Education, *NBPTS Certification Subject Areas*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited Feb. 26, 2010).

⁶⁸ Section 1012.56(5)(f), F.S. The American Board for Certification of Teacher Excellence is a national educator credentialing board that has been approved by the SBE. See Florida Department of Education, *Bureau of Educator Certification Partnership Manual*, 17-24 (Oct. 16, 2009).

⁶⁹ Section 1012.56(3)(c)-(d), (5)(e)-(f), and (6)(c)-(d), F.S.; Rule 6A-4.002(1)(i)1. & (j), F.A.C. An out-of-state or national certificate is not accepted in Florida at face value. Such individuals must apply for, and obtain, a Florida professional certificate to teach in this state. Rule 6A-4.002(1)(i), F.A.C.; Florida Department of Education, *Reciprocity for Out-of-State Teachers and Administrators*, <http://www.fldoe.org/edcert/level1.asp> (last visited Feb. 26, 2010).

⁷⁰ Rule 6A-4.002(1)(i), F.A.C.

⁷¹ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁷² ACE provides various services related to higher education public policy advocacy, accreditation, and research. ACE provides a credit equivalency service that higher education institutions may use to determining transfer credit and equivalent courses. American Council on Education, ACE Credit, <http://www.acenet.edu/AM/Template.cfm?Section=Orgs&Template=/CM/HTMLDisplay.cfm&ContentID=6103> (last visited Mar. 23, 2010).

The bill adds successful completion of a professional training program provided by Teach for America⁷³ and achievement of a passing score on the professional education competency examination as a method for demonstrating mastery of professional preparation and education competence.

Under the bill, a temporary certificate holder must pass a subject area examination within one calendar year of employment. This requirement may be extended to two years under extenuating circumstances such as illness or injury.

The bill adds a requirement that teachers who hold valid professional teaching certificates from other states must demonstrate mastery of subject area knowledge to obtain a Florida professional certificate. This may be accomplished by passing a subject area examination or by demonstrating subject area mastery by a method provided in SBE rules.

The bill requires the SBE to review the current subject area examinations required for educator certification. The review must ascertain whether the passing scores and rigor of reading instruction required for certification match the expectations for teacher competency in the subject area. If necessary, the SBE may revise passing scores to meet these expectations.

Certification Renewal

Current Law

A professional certificate must be renewed every five years.⁷⁴ The renewal period may be extended to 10 years to enable educators who are certified in three or more subject areas to fulfill the renewal requirements for all subjects.⁷⁵ In general, individual school districts process renewals for their certified employees and the DOE processes renewal applications for other certificate holders, including individuals with expired professional certificates. In 2008-2009 school year, 32,378 certificate holders renewed through their school districts, 5,598 certificate holders renewed through the DOE, and 350 individuals reinstated an expired professional certificate.⁷⁶

Renewal or reinstatement of professional certification is not currently linked to effectiveness on annual performance appraisals. Currently, an educator must submit an application,⁷⁷ pay a fee,⁷⁸ and earn at least six college credits or 120 inservice points to renew professional certification.⁷⁹ At least three college credits or 60 inservice points must be in the educator's subject area. Credits or inservice points may also be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁸⁰ College credits must be earned at an accredited or SBE-approved institution. Inservice points must be earned via participation in SBE-approved school district inservice activities.⁸¹

⁷³ The Teach for America program recruits recent college graduates from various fields to commit to teach for two years in urban and rural public schools. Teach for America teachers receive ongoing teacher training while participating program. Teach for America, *Mission and Approach*, http://www.teachforamerica.org/mission/mission_and_approach.htm (last visited Mar. 23, 2010).

⁷⁴ Section 1012.585(2)(a), F.S.

⁷⁵ Section 1012.585(c), F.S.; Rule 6A-4.0051, F.A.C. Out of 289,863 academic certificate holders, 101,513 are certified in one subject area, 98,786 are certified in two subject areas, and 89,564 are certified in three or more subject areas. Email from Legislative Affairs staff, Florida Department of Education (March 1, 2010, 4:08 PM EST).

⁷⁶ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁷⁷ Rule 6A-4.0051(3)(b), F.A.C. Initial certification applications are generally submitted to DOE. Section 1012.56(1), F.S. District school boards issue certificates for school district employees for renewal of a professional certificate. Rule 6A-4.0012(5)(a), F.A.C.; *see* § 1012.585(1)(a), F.S.

⁷⁸ Rules 6A-4.0012(1)(a)1. & 6A-4.0051(3)(b), F.A.C.

⁷⁹ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C.

⁸⁰ Section 1012.585(3)(a), F.S.

⁸¹ Rule 6A-4.0051(1)(a), F.A.C.; *see* Rule 6A-4.003(1) & (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

Certification in subject areas may also be renewed by earning a passing score on the corresponding subject area test.⁸² NBPTS certification is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁸³

An expired professional certificate may be reinstated if the applicant:

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area test for each certification area to be reinstated.⁸⁴

If the applicant cannot meet the requirements for reinstatement of an expired professional certificate, he or she may be issued, if qualified, a three-year nonrenewable temporary certificate.⁸⁵

Effect of Proposed Changes

Effective July 1, 2014, the bill eliminates lifetime renewal of professional certification for NBPTS-certified educators. Beginning with the 2014-2015 school year, all applicants for renewal of a professional certificate must document effective or highly effective performance on annual performance appraisals in at least four out of the preceding five years. The bill requires the SBE to adopt rules defining the process for documenting effective performance and for establishing equivalent options for individuals who have not been evaluated during the previous certification period.

The bill provides that an applicant's professional certificate will expire if he or she is unable to document effective performance. Such individuals may apply for reinstatement of the certificate.

Education Practices Commission

Current Law

The Education Practices Commission (Commission) is authorized to investigate complaints of educator misconduct and may take action to suspend or revoke an educator's certificate if the complaint is substantiated.⁸⁶ Among other things, the DOE provides personnel to support the purposes of the Commission.⁸⁷ Employees or agents of the DOE who investigate or prosecute misconduct by certified educators are not currently allowed access to child abandonment, abuse, or neglect reports held by the Department of Children and Families (DCF).⁸⁸

The Commission is comprised of 25 members. Eight members must be teachers, each with at least five years of teaching experience in the state of Florida; five members must be administrators, one of whom must represent a private school; seven lay citizens, five of whom must be parents and two of whom must be former district school board members; and five sworn law enforcement officials. Commission members are appointed by the SBE.⁸⁹

Effect of Proposed Changes

The bill grants access to child abandonment, abuse, or neglect reports held by the DCF to employees or agents of the DOE who investigate or prosecute misconduct by certified educators. The bill revises

⁸² Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁸³ Section 1012.585(2)(b), F.S.; Rule 6A-4.0051(1)(c), F.A.C.

⁸⁴ Section 1012.585(5), F.S.; Rule 6A-4.0051(3) & (6), F.A.C.

⁸⁵ Rule 6A-4.004(7), F.A.C.

⁸⁶ Sections 1012.795 & 1012.796(1), F.S.

⁸⁷ Section 1012.79(6), F.S.

⁸⁸ Section 39.202(2), F.S.

⁸⁹ Section 1012.79(1), F.S.

the membership requirements for the Commission. Under the bill, the Commission must be comprised of 11 teachers, rather than eight. Teacher members must have at least 10 years of experience with at least five years of teaching in the state of Florida. The bill reduces the number of lay citizen members from seven to five, three of whom must be parents of public school students. The bill reduces the number of law enforcement members from five to four. The bill makes the school administrator from a private school an optional, rather than required, member of the Commission.

Initial Teacher Preparation Programs

Current Law

Initial teacher preparation programs are offered by a Florida public or nonpublic postsecondary institution, terminate in a bachelor's degree or higher, and enable students to satisfy all requirements for a professional certificate upon program completion. Initial teacher preparation programs must be approved by the DOE.⁹⁰ Florida law establishes a two-tiered system for approving initial teacher preparation programs: initial approval and continued approval. Each approval period is seven years.⁹¹ Florida currently has 469 initial teacher preparation programs.⁹²

Among other requirements for initial approval, an initial teacher preparation program must require students seeking admission to:

- Achieve a grade point average (GPA) of 2.5 on a 4.0 scale in the general education component of undergraduate studies or complete a baccalaureate degree with a GPA of 2.5 on a 4.0 scale from a college or university accredited by a regional accrediting association defined in SBE rule or a college or university that is approved pursuant to SBE rule;⁹³ and
- Demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination (FTCE), the College Level Academic Skills Test, or similar test approved pursuant to SBE rule.⁹⁴

An initial teacher preparation program may waive these requirements for up to 10 percent of students who seek admission into the program. Students who receive this waiver must be provided with assistance in acquiring the competencies required to successfully obtain educator certification.⁹⁵

Continued approval of initial teacher preparation programs is based on an institutional program evaluation plan (IPEP). An IPEP must be annually reported to the DOE and published for the general public.⁹⁶ The IPEP must document:

- Compliance with student admission requirements;
- Student demonstration of teaching competencies;
- Passage of the FTCE by at least 90 percent of program graduates annually;
- Graduate satisfaction with their preparedness in the first year of teaching; and
- Employer satisfaction with program graduates.⁹⁷

⁹⁰ Section 1004.04, F.S.; Rule 6A-5.066(1)(a)

⁹¹ Rule 6A-5.066(1)(a), F.A.C.

⁹² Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

⁹³ Section 1004.04(4)(b)1., F.S. SBE rule recognizes the following accrediting associations: the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Secondary Schools, the New England Association of Colleges and Secondary Schools, the North Central Association of Colleges and Secondary Schools, the Northwest Association of Secondary and Higher Schools, the Western Association of Colleges and Schools, and accrediting agencies approved by the United States Department of Education. Rule 6A-4.003(1), F.A.C.

⁹⁴ Section 1004.04(4)(b)2., F.S. Candidates for graduate level programs may use a score earned on the Graduate Record Exam to demonstrate mastery of general knowledge. Rule 6A-5.066(1)(c)2.a., F.A.C.

⁹⁵ Section 1004.04(4), F.S. (flush-left provisions at end of paragraph).

⁹⁶ Section 1004.04(5)(c), F.S.; Rule 6A-5.066(1)(d)1., F.A.C.

⁹⁷ Section 1004.04(5)(a)-(e), F.S.; Rule 6A-5.066(1)(d)1., F.A.C. Employer satisfaction is based on an annual employer survey.

Employers must rate each graduate's ability to write, speak, recognize and address student learning difficulties in reading and math,

Initial teacher preparation programs must guarantee the quality of program graduates during the first two years of teaching or following initial certification, whichever occurs first. If an employer survey indicates dissatisfaction with the graduate, the graduate must be provided remedial training by the initial teacher preparation program.⁹⁸

Initial teacher preparation programs must annually report the percent of graduates that obtain full-time teaching employment in the first year after graduation, graduate average length of stay in full-time teaching positions, and employer satisfaction ratings to the state and general public. A public or private postsecondary institution that provides training for school readiness-related professions must annually report graduate average length of stay and employer satisfaction ratings to the state and general public.⁹⁹

Florida law authorizes state universities and community colleges to establish preteacher and teacher education pilot programs to encourage minority students to pursue careers in education.¹⁰⁰ Likewise, colleges and universities with DOE-approved teacher preparation programs may establish pilot programs to encourage high-achieving students to pursue a career in education.¹⁰¹ According to the DOE, these programs are currently inactive.¹⁰²

Of the 5,770 individuals who completed an initial teacher preparation program in 2007-2008, only 3,092 individuals were employed in instructional positions in Florida in 2008-2009.¹⁰³

Effect of Proposed Changes

The bill eliminates employer satisfaction with program graduates as a condition for continued approval of initial teacher preparation programs. Instead, the bill provides that continued approval for initial teacher preparation programs is contingent upon a determination that public school students taught by program graduates achieved learning gains, as measured by statewide assessments. The bill eliminates reporting of employer satisfaction ratings. Instead, initial teacher preparation programs must annually report to the DOE the percentage of graduates whose public school students achieved learning gains. Institutions that provide training for school readiness related professions must annually report to the DOE the percentage of graduates who obtain full-time teaching employment within the first year after graduation.

Current law requires an initial teacher preparation program to provide additional training, at no cost to the graduate or employer, to any program graduate whose employer expresses dissatisfaction with the graduate's teaching skills in the first two years of teaching. The bill provides that such training must be provided if the students taught by the graduate fail to make learning gains in the first two years of teaching. To ensure that teacher candidates are prepared to enter the field, the bill eliminates provisions authorizing an initial teacher preparation program to waive the GPA and mastery of general knowledge requirements for up to 10 percent of students admitted into the program.

The bill repeals the preteacher and teacher education pilot program and pilot programs that DOE states are currently inactive.

use technology, demonstrate knowledge of state academic standards, and maintain classroom organization and behavioral management. Section 1004.04(5)(e), F.S.

⁹⁸ Section 1004.04(5)(e), F.S.

⁹⁹ Section 1004.04(5)(f), F.S.

¹⁰⁰ Section 1004.04(11), F.S.

¹⁰¹ Section 1004.04(12), F.S.

¹⁰² Florida Department of Education, *Legislative Bill Analysis for SB 6 (2010)*.

¹⁰³ Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

Educator Preparation Institutes

Current Law

An Educator Preparation Institute (EPI) is a DOE-approved teacher training program conducted by an eligible postsecondary institution.¹⁰⁴ Thirty Florida postsecondary institutions currently operate an EPI. Twenty-five EPIs are operated by community colleges and five are operated by state universities.¹⁰⁵

Among other things, an EPI may offer programs designed to enable baccalaureate degree holders and career changers to obtain training in teaching practices and subject area content, participate in field experiences, and become certified to teach.¹⁰⁶ Program participants must:

- Obtain a statement of status eligibility¹⁰⁷ and meet the basic requirements for educator certification;¹⁰⁸
- Participate in field experiences;
- Demonstrate ability to teach the subject area for which certification is sought and pass the professional education competency examination prior to completion of the program.¹⁰⁹

Instructors at an EPI must hold a master's degree in education or a related field and document teaching experience.¹¹⁰

Each EPI must submit to the DOE an annual performance evaluation documenting program completer's FTCE pass rate, employment rates, longitudinal retention rates, and employer satisfaction surveys. These performance evaluations are used by the DOE to determine continued program approval.¹¹¹

Of the 1,374 individuals who completed an EPI program in 2007-2008, only 755 were employed in instructional positions in Florida in 2008-2009.¹¹²

Effect of Proposed Changes

The bill requires participants in EPIs to obtain a statement of status eligibility indicating eligibility for a temporary certificate prior to admission into the program. Prior to completing the program, participants must complete field experiences, demonstrate mastery of general knowledge, and pass a subject area examination. The bill adds a requirement that the annual program performance evaluation submitted to the DOE include evidence that public school students taught by program graduates made learning gains, as measured by statewide assessments.

Currently, instructors at an EPI must hold a master's degree in education or a related field and document teaching experience. The bill provides that instructors at EPIs must meet the same qualifications as instructors at teacher preparation programs who supervise preservice field experiences. Thus, an EPI instructor must have training in clinical supervision, a valid professional teaching certificate, or at least three years of successful teaching experience.

¹⁰⁴ Section 1004.85(1), F.S.

¹⁰⁵ Florida Department of Education, *Educator Preparation Institutes*, <http://www.teachinflorida.com/Preparation/EducatorPreparationInstitutes/tabid/187/Default.aspx> (last visited March 4, 2010).

¹⁰⁶ Section 1004.85(2)(d), F.S.

¹⁰⁷ The DOE provides a statement of status eligibility to each educator certification applicant who does not meet the requirements for a professional certificate. This includes individuals who qualify for a temporary certificate, but not a professional certificate, and individuals who do not qualify for either certificate. The statement of status eligibility must advise the applicant of any requirements that must be met in order to be issued a professional certificate. Section 1012.56(1), F.S.

¹⁰⁸ See *supra* text accompanying note 29.

¹⁰⁹ Section 1004.85(3)(b), F.S.

¹¹⁰ Section 1004.85(5), F.S.

¹¹¹ Section 1004.85(4), F.S.

¹¹² Presentation by Florida Department of Education, House PreK-12 Policy Committee meeting (March 3, 2010).

Review of Teacher Preparation Programs

Effect of Proposed Changes

The bill requires the DOE, in collaboration with the Board of Governors, to develop a methodology to determine the cost-effectiveness of initial teacher preparation programs, EPIs, and school district professional education competence demonstration programs. On or before December 1, 2011, the DOE must submit a report to the Governor and the Legislature which provides a methodology for evaluating the cost-effectiveness of teacher preparation programs based on program costs and program outcomes such as completion rates, placement rates in teaching jobs, teacher retention rates, and the academic performance of students taught by program graduates. The report must use this methodology to evaluate the cost-effectiveness of the state's teacher preparation programs and make recommendations to the Legislature regarding program productivity and the allocation of funding.

The Office of Program Policy Analysis and Government Accountability must review the current standards for the continued approval of teacher preparation programs and make recommendations to the Legislature on or before January 1, 2012. The recommendations must include proposed changes to the allocation of state funds to teacher preparation programs.

Preservice Field Experiences

Current Law

Preservice field experiences are a required component of teacher preparation programs offered by initial teacher preparation programs and EPIs. Like an internship, these experiences enable students to obtain classroom teaching experience.¹¹³ Instructors who supervise preservice field experiences must have training in clinical supervision, a valid professional teaching certificate, or at least three years of successful teaching experience. Teacher preparation programs must select school sites for preservice field experiences that represent diverse demographics.¹¹⁴

Effect of Proposed Changes

The bill requires preservice field experience programs to provide continuous participation in K-12 classroom settings. The selection of school sites for preservice field experience programs must be based on the instructional skills of the instructor or supervisor with whom the teacher candidate will be placed. Under the bill, this determination is based on the instructor's or supervisor's track record of producing student learning gains.

Teacher Recruitment

Current Law

Florida law authorizes several activities aimed at identifying and fulfilling the state's needs for high-quality teachers. The DOE is required to sponsor a job fair in a central part of the state for prospective educators and employers. The DOE may charge participants a fee not exceeding \$20 per person and may expend funds on mementos, awards, and plaques.¹¹⁵

Florida law specifies that mathematics, science, and career education are critical teacher shortage areas and requires the SBE to annually identify additional shortage areas.¹¹⁶ For the 2009-2010 school year, the board identified the following critical teacher shortage areas:

- Middle and high school level mathematics, science, and English/language arts;
- Reading;

¹¹³ Section 1004.04(6), F.S.

¹¹⁴ Section 1004.04(6), F.S.

¹¹⁵ Section 1012.05(4), F.S.

¹¹⁶ Section 1012.07(1), F.S.; *see also* s. 1009.57(1), F.S.

- Exceptional Student Education (ESE) programs;
- English for Speakers of Other Languages (ESOL);
- Foreign languages; and
- Technology education/industrial arts.¹¹⁷

The SBE may also identify a high-priority location area as a critical teacher shortage area. These areas may include low socio-economic status urban and rural schools with high levels of faculty attrition, economically disadvantaged students, and students receiving free and reduced price lunches. Teacher characteristics such as ethnic background, race, and gender may also be considered in designating critical shortage areas.¹¹⁸

A tuition reimbursement program and a student loan forgiveness program have been established to address the need for additional teachers in these critical teacher shortage areas.¹¹⁹ The Critical Teacher Shortage Tuition Reimbursement Program provides tuition reimbursement for college courses in limited teacher shortage areas taken by a full-time public school employee or a laboratory school employee certified to teach in Florida.¹²⁰ The Critical Teacher Shortage Loan Forgiveness Program provides for repayment of the borrowed principal of college student loans to a first-time teacher earning certification in a critical teacher shortage area.¹²¹ The Florida Teacher Scholarship and Forgivable Loan Program provides scholarship assistance to lower-division undergraduate students and loan assistance to upper-division undergraduate and graduate students. The purpose of the program is to attract liberal arts students to the teaching profession, attract teachers to critical teacher shortage areas, and provide opportunities for career changers to pursue a career in teaching.¹²² As of November 2009, 4,716 educators were participating in these programs.¹²³ In 2009, the Legislature appropriated \$2.5 million dollars for these programs.¹²⁴

Effect of Proposed Changes

The bill authorizes the DOE to sponsor virtual job fairs. Currently, the DOE is required to sponsor a face-to-face job fair in a central part of the state. The bill eliminates authorization for the DOE to charge participants a fee and expend funds on mementos, awards, and plaques.

The bill revises the definition of critical teacher shortage area to include high need content areas and high priority location areas identified by the SBE. The bill eliminates specific reference to mathematics, science, and career education as critical shortage areas and provisions authorizing the SBE to consider teacher characteristics in determining a critical teacher shortage area.

Under the bill, a high priority location area includes low socio-economic status urban and rural schools and schools identified under Florida law as the lowest performing schools. Provisions stating that high priority location areas include schools with high numbers of economically disadvantaged students, students receiving free and reduced price lunches, and high faculty attrition rates are removed.

¹¹⁷ Florida Department of Education, *Critical Teacher Shortage Areas 2009-2010*, 1 (Dec. 2008), available at <http://www.fldoe.org/evaluation/pdf/crit1200.pdf>; see Rule 6A-20.0131, F.A.C.

¹¹⁸ Section 1012.07(1), F.S.

¹¹⁹ Sections 1009.54, 1009.57, 1009.58, and 1009.59, F.S.

¹²⁰ Section 1009.58, F.S.; see also Florida Department of Education, Office of Student Financial Assistance, *2009-2010 Critical Teacher Shortage Tuition Reimbursement Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-TR.htm> (last visited March 4, 2010).

¹²¹ Section 1009.59, F.S.; see also Florida Department of Education, Office of Student Financial Assistance, *2008-2009 Critical Teacher Shortage Loan Forgiveness Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-LF.htm> (last visited Jan. 10, 2009).

¹²² Section 1009.57, F.S.

¹²³ See Education Estimating Conference, *Student Financial Aid Enrollment Conference Results, Executive Summary*, (Office of Economic and Demographic Research, Nov. 20, 2009), available at http://edr.state.fl.us/conferences/financialaid/sfa112009_Summary.pdf.

¹²⁴ Specific Appropriation 67, § 2, ch. 2009-81, L.O.F.

The SBE must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas. Critical teacher shortage areas submitted by school districts must also be aligned to such educational requirements and workforce demands.

The bill repeals the Critical Teacher Shortage Tuition Reimbursement Program, the Critical Teacher Shortage Loan Forgiveness Program, and the Florida Teacher Scholarship and Forgivable Loan Program.

The Dale Hickam Excellent Teaching Program

Current Law

The Dale Hickam Excellent Teaching Program provides incentives to classroom teachers who pursue national certification through the National Board for Professional Teaching Standards (NBPTS).¹²⁵ NBPTS certified teachers may receive an annual bonus of 10 percent of the prior fiscal year's statewide average teacher salary for up to one 10-year period. If funds are available, NBPTS certified teachers who provide 12 workdays of mentoring and related services to Florida public school teachers who are not NBPTS certified may receive an additional bonus of 10 percent of the prior fiscal year's statewide average teacher salary.¹²⁶

Effect of Proposed Changes

The bill provides that teachers employed by public schools and the Florida School for the Deaf and the Blind who are NBPTS certified on or before July 1, 2010, may receive bonuses under the Dale Hickam Excellent Teaching Program for up to 10 years. Teachers who obtain NBPTS certification after this date are not eligible to receive bonuses under the program.

Teachers Out-of-Field

Current Law

District school boards must adopt a plan for assisting teachers who teach out-of-field. Such teachers must be given priority for professional development opportunities. A school board must require out-of-field teachers to participate in training designed to enable them to acquire necessary competencies. A board must notify in writing the parents of students assigned to a class taught by an out-of-field teacher.¹²⁷

Effect of Proposed Changes

Beginning with the 2010-2011 school year, district school boards are prohibited from assigning any beginning teacher to teach mathematics, science, or reading who is not certified in the specific subject area.

¹²⁵ NBPTS offers 25 certificates that cover a variety of subject areas and student development levels. The certification process takes one to three years to complete. Candidates must complete a portfolio review and two-part assessment. The portfolio review includes student work, peer reviews, and video taping of the teacher's classroom practice. National Board for Professional Teaching Standards, *Become a Candidate* http://www.nbpts.org/become_a_candidate (last visited March 5, 2010).

¹²⁶ Section 1012.72, F.S. Recent DOE data indicates that students taught by NBPTS certified teachers achieved learning gains in reading and mathematics at a slightly higher rate than non-NBPTS certified teachers. However, this data also indicates that NBPTS certified teachers tended to have more years of experience and served lower percentages of students with disabilities and students who were performing below grade-level than non-NBPTS certified teachers. According to the DOE, "additional statistical analysis [indicates] that being a [NBPTS] certified teacher [has] no independent statistically significant impact on student learning gains, when years of experience, percent of already proficient students in the classroom, percent of students with disabilities in the classroom, and percent of English Language Learners in the classroom are accounted for." Email from Bureau of Research and Evaluation staff, Florida Department of Education (Mar. 25, 2010 10:55 AM EST).

¹²⁷ Section 1012.42, F.S.

Obsolete Statutes

Current Law

An academic performance-based charter school district is a district that has entered into a performance contract with the SBE, which exempts the district from specified rules and statutes in exchange for its agreement to comply with stated performance goals.¹²⁸ Four school districts (Hillsborough, Orange, Palm Beach, and Volusia Counties) are currently designated as Academic Performance-Based Charter School Districts.¹²⁹ Statutory authority for such status will expire July 1, 2010.¹³⁰

The deregulated public schools pilot program was authorized by the Legislature in 1998 to give public schools the same flexibility and accountability afforded charter schools.¹³¹ Palm Beach, Pinellas, Seminole, Lee, Leon, Walton, and Citrus were authorized to participate in the pilot program. The pilot program ended after the 2003-2004 school year and was not reauthorized by the Legislature.

Effect of Proposed Changes

The bill repeals the Academic Performance-Based Charter School Districts and Deregulated Public Schools programs.

B. SECTION DIRECTORY:

Section 1: Amending s. 39.202, F.S.; authorizing the release of child abuse records to certain employees and agents of the DOE.

Section 2: Repealing s. 447.403(2)(c), F.S.; relating to resolution of collective bargaining disputes concerning the Merit Award Program.

Section 3: Amending s. 1002.33, F.S.; requiring charter schools to adopt a performance appraisal system, administer certain end-of-course assessments, and adopt salary schedules; prohibiting charter schools from awarding professional service contracts to certain classroom teachers; requiring charter schools to certify compliance; providing for a funding adjustment.

Section 4: Amending s. 1003.52, F.S.; deleting a cross-reference.

Section 5: Repealing s. 1003.62, F.S.; relating to academic performance-based charter school districts.

Section 6: Amending s. 1003.621, F.S.; requiring academically high-performing school districts to comply with performance appraisal and classroom teacher contract requirements.

Section 7: Repealing s. 1003.63, F.S.; relating to the deregulated public schools pilot program.

Section 8: Amending s. 1004.04, F.S.; revising the conditions for continued approval of teacher preparation programs; requiring such programs to provide additional training to certain graduates; requiring reporting; amending the requirements for preservice field experiences.

Section 9: Repealing s. 1004.04(11) & (12); F.S.; relating to teacher education pilot projects.

Section 10: Amending s. 1004.85, F.S.; requiring participants in EPIs to satisfy certain requirements; requiring EPIs to demonstrate that program graduates produce student learning gains; requiring instructors to meet certain requirements.

Section 11: Creating s. 1008.222, F.S.; requiring school districts to develop end-of-course assessments for certain subjects and grade levels; requiring superintendents to certify compliance; requiring the Commissioner to identify methods for assisting districts.

Section 12: Amending s. 1009.40, F.S.; deleting cross-references.

Section 13: Repealing s. 1009.54, F.S.; relating to the Critical Teacher Shortage Program.

Section 14: Repealing s. 1009.57, F.S.; relating to the Florida Teacher Scholarship Forgivable Loan Program.

¹²⁸ Section 1003.62, F.S.

¹²⁹ Staff of Senate Comm. on Education Pre-K - 12, *Legislative Bill Analysis for CS/SB 2092 (2007)*.

¹³⁰ Section 24, ch. 2003-391, L.O.F.; *see also* § 8, ch. 2007-234, L.O.F.

¹³¹ Section 23, ch. 98-281, L.O.F.; § 1003.63, F.S.

- Section 15:** Repealing s. 1009.58, F.S.; relating to the Critical Teacher Shortage Tuition Reimbursement Program.
- Section 16:** Repealing s. 1009.59, F.S.; relating to the Critical Teacher Shortage Student Loan Forgiveness Program.
- Section 17:** Amending s. 1009.94, F.S.; deleting cross-references.
- Section 18:** Creating s. 1011.626, F.S.; establishing a Performance Fund for Instructional Personnel and School-Based Administrators; providing legislative intent; providing findings; requiring the Commissioner to calculate a funding amount; providing conditions for use of funds; requiring review of compliance with salary schedule, end-of-course assessment, and classroom teacher contracting requirements; requiring a funding adjustment for noncompliance; requiring rulemaking.
- Section 19:** Amending s. 1011.69, F.S.; making technical changes.
- Section 20:** Amending s. 1012.05, F.S.; revising the requirements for DOE-sponsored job fairs.
- Section 21:** Amending s. 1012.07, F.S.; revising the requirements for critical teacher shortage areas.
- Section 22:** Amending s. 1012.22, F.S.; revising the requirements for school district-adopted salary schedules.
- Section 23:** Repealing s. 1012.225, F.S.; relating to the Merit Award Program.
- Section 24:** Repealing s. 1012.2251, F.S.; relating to assessments for awarding merit pay under the Merit Award Program.
- Section 25:** Amending s. 1012.33, F.S.; requiring school districts to base certain staffing decisions on performance.
- Section 26:** Creating s. 1012.335, F.S.; establishing contracting requirements for classroom teachers hired on or after July 1, 2010.
- Section 27:** Amending s. 1012.34, F.S.; revising the requirements for instructional personnel and school administrator performance appraisals; establishing performance rating categories; revising the performance appraisal criteria; requiring the DOE to approve performance appraisal instruments; requiring the DOE to collect annual performance ratings.
- Section 28:** Amending s. 1012.42, F.S.; prohibiting the assignment of certain teachers.
- Section 29:** Repealing s. 1012.52, F.S.; relating to teacher quality.
- Section 30:** Amending s. 1012.56, F.S.; revising the requirements for educator certification; requiring the SBE to review subject area examinations.
- Section 31:** Amending s. 1012.585, F.S.; revising the requirements for renewal of a professional certificate.
- Section 32:** Amending s. 1012.72, F.S.; relating to the Dale Hickam Excellent Teaching Program for NBPTS certified teachers.
- Section 33:** Amending s. 1012.79, F.S.; revising the composition of the Education Practices Commission.
- Section 34:** Amending s. 1012.795, F.S.; authorizing the Education Practices Commission to take action for breach of contract.
- Section 35:** Providing for a review of teacher preparation program funding and continued approval.
- Section 36:** Providing an exemption for certain school districts.
- Section 37:** Providing a severability clause.
- Section 38:** Providing that the amendments made to s. 1012.33, F.S., apply to contracts newly entered into, extended, or readopted on or after July 1, 2010, and all contracts on or after July 1, 2013.
- Section 39:** Providing an effective date of July 1, 2010, unless otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

The bill repeals the Merit Award Program, which was funded in the FEFP for \$20 million in 2009-2010.¹³² The bill also repeals the Critical Teacher Shortage Program, the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program, which received a total of \$2.5 million appropriated from General Revenue in 2009-2010.¹³³ State expenditures for these programs will be eliminated.

The bill phases out the Dale Hickam Excellent Teaching Program by ending bonuses teachers who obtain NBPTS certification after July 1, 2010. This program was funded with \$46.9 million from federal stimulus funds in 2009-2010.¹³⁴ State expenditures for this program will be reduced in subsequent years.

The bill requires the DOE to monitor school district and charter school compliance with bill requirements for end-of-course assessments, salary schedules, and contracts for classroom teachers hired on or after July 1, 2010. The DOE indicates that additional resources will be necessary to meet these requirements.¹³⁵

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

The Performance Fund is established within the FEFP, beginning in 2011-2012. At the time of the second FEFP calculation, the Commissioner must calculate an amount for the fund equal to five percent of the total state, local, and federal FEFP funds. Based on the 2009-2010 FEFP, the fund would be approximately \$900 million.

The Commissioner must distribute performance funds to districts and charter schools for use in implementing the bill's provisions related to the development and acquisition of end-of-course exams, development of a performance appraisal system, and development and implementation of salary schedules that include performance pay and differentiated pay.¹³⁶

School districts will incur additional costs associated with the development or acquisition of end-of-course assessments for each subject area and grade level that is not tested by statewide assessments or AP, IB, AICE, or industry certification examinations. However, the fiscal impact of these activities is indeterminate.

The Course Code Directory is comprised of hundreds of courses. According to the DOE, districts that offer a large number of courses may need to use local funds to provide end-of-course assessments for all courses offered that are not otherwise tested by statewide assessments or AP, IB, AICE, or industry certification examinations. Districts that are participating in the state's Race to the Top program may be

¹³² Specific Appropriations 5A & 76, § 2, ch. 2009-81, L.O.F.

¹³³ Specific Appropriation 67, § 2, ch. 2009-81, L.O.F.

¹³⁴ Specific Appropriation 82, § 2, ch. 2009-81, L.O.F.

¹³⁵ Florida Department of Education, *Legislative Bill Analysis for SB 6 (2010)*.

¹³⁶ Staff of the Florida Senate, *Legislative Bill Analysis for SB 6 (2010)*.

able to use federal funds to offset the cost of developing end-of-course assessments if the state receives a grant award during the second phase of the competition.¹³⁷

The bill requires the Commissioner to identify methods to support school districts in the development or acquisition of end-of-course assessments such as developing item banks and facilitating the sharing of assessments among districts. These activities, if implemented, may reduce the fiscal impact that end-of-course examination development or acquisition has on school districts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules:

- Implementing the Performance Fund. Such rules include documentation requirements; processes and criteria for determining compliance with performance appraisal, salary schedule, and end-of-course assessment requirements; and reporting and monitoring to ensure that Performance Funds are used for authorized purposes.
- Defining "just cause" grounds for suspension or termination of classroom teachers hired on or after July 1, 2010.
- Establishing methods for calculating rates of student learning tied to the four performance appraisal rating categories.
- Defining the process for documenting effective performance of applicants for renewal of professional certification who did not receive annual performance evaluations during the term of the professional certificate to be renewed.
- Establishing a procedure for granting an annual exemption from bill provisions related to performance pay, performance appraisals, end-of-course assessments, and the Performance Fund.

The SBE is authorized to adopt rules regarding the acceptance of college course credits recommended by ACE in satisfying basic educator certification requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

¹³⁷ Florida Department of Education, *Legislative Bill Analysis for SB 6 (2010)*.

29 continued approval of teacher preparation programs to
 30 include student learning gains; deleting the waiver of
 31 admissions criteria for certain students; deleting the
 32 criterion relating to employer satisfaction; revising the
 33 requirements for a teacher preparation program to provide
 34 additional training to a graduate who fails to demonstrate
 35 essential skills; deleting a provision that requires
 36 state-approved teacher preparation programs and public and
 37 private institutions offering training for school-
 38 readiness-related professions to report graduate
 39 satisfaction ratings; revising the requirements for
 40 preservice field experience programs; repealing s.
 41 1004.04(11) and (12), F.S., relating to the Preteacher and
 42 Teacher Education Pilot Programs and the Teacher Education
 43 Pilot Programs for High-Achieving Students; amending s.
 44 1004.85, F.S.; revising the requirements for individuals
 45 who participate in programs at postsecondary educator
 46 preparation institutes; revising the requirements for
 47 approved alternative certification programs and
 48 instructors; creating s. 1008.222, F.S.; requiring school
 49 districts to develop and implement end-of-course
 50 assessments; requiring a review of assessments by the
 51 Commissioner of Education; amending s. 1009.40, F.S.;
 52 deleting cross-references to conform to changes made by
 53 the act; repealing s. 1009.54, F.S., relating to the
 54 Critical Teacher Shortage Program; repealing s. 1009.57,
 55 F.S., relating to the Florida Teacher Scholarship and
 56 Forgivable Loan Program; repealing s. 1009.58, F.S.,

57 relating to the Critical Teacher Shortage Tuition
58 Reimbursement Program; repealing s. 1009.59, F.S.,
59 relating to the Critical Teacher Shortage Student Loan
60 Forgiveness Program; amending s. 1009.94, F.S.; deleting
61 cross-references to conform to changes made by the act;
62 creating s. 1011.626, F.S.; providing legislative findings
63 and intent; creating the Performance Fund for
64 Instructional Personnel and School-Based Administrators;
65 providing for calculation of the fund amount; providing
66 for distribution of funds to districts and specifying
67 purposes for which funds may be expended; providing for
68 reversion of unexpended funds; specifying that salary
69 increases from these funds are in addition to other salary
70 adjustments; specifying requirements for individuals paid
71 from federal grants; requiring that each district school
72 board submit its district adopted salary schedule and
73 certain assessments to the Commissioner of Education for
74 review; requiring that the commissioner determine
75 compliance with requirements applicable to the schedules
76 and assessments; requiring a review by the Auditor General
77 of certain classroom teacher contracts; requiring that the
78 Commissioner of Education notify the Governor and
79 Legislature of school districts that fail to comply with
80 salary schedule, assessment, and contract requirements;
81 requiring a specified funding adjustment to be imposed
82 against a school district for such failure to comply;
83 requiring that the State Board of Education adopt rules;
84 amending s. 1011.69, F.S.; deleting a provision that

85 | exempts academic performance-based charter school
 86 | districts from the Equity in School-Level Funding Act to
 87 | conform to changes made by the act; amending s. 1012.05,
 88 | F.S.; revising the Department of Education's
 89 | responsibilities for teacher recruitment; amending s.
 90 | 1012.07, F.S.; revising the methodology for determining
 91 | critical teacher shortage areas; deleting cross-references
 92 | to conform to changes made by the act; amending s.
 93 | 1012.22, F.S.; revising the powers and duties of the
 94 | district school board with respect to school district
 95 | compensation and salary schedules; requiring that certain
 96 | performance criteria be included in the adopted schedules;
 97 | revising the differentiated pay provisions; repealing s.
 98 | 1012.225, F.S., relating to the Merit Award Program for
 99 | Instructional Personnel and School-Based Administrators;
 100 | repealing s. 1012.2251, F.S., relating to the end-of-
 101 | course examinations for the Merit Award Program; amending
 102 | s. 1012.33, F.S.; revising provisions relating to
 103 | contracts with certain educational personnel; requiring a
 104 | district school board's decision to retain personnel who
 105 | have continuing contracts or professional service
 106 | contracts to be primarily based on the employee's
 107 | performance; deleting requirements that school board
 108 | decisions for workforce reductions be based on collective
 109 | bargaining agreements; deleting requirements for district
 110 | school board rules for workforce reduction; creating s.
 111 | 1012.335, F.S.; providing definitions; providing
 112 | employment criteria for newly hired classroom teachers;

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113 providing grounds for termination; requiring that the
114 State Board of Education adopt rules defining the term
115 "just cause"; providing guidelines for such term; amending
116 s. 1012.34, F.S.; revising provisions related to the
117 appraisal of instructional personnel and school-based
118 administrators; requiring that the Department of Education
119 approve school district appraisal instruments; requiring
120 the Department of Education to collect appraisal
121 information from school districts and to report such
122 information to the Governor and the Legislature; providing
123 requirements for appraisal systems; authorizing an
124 employee to request that a district school superintendent
125 review an unsatisfactory performance appraisal; conforming
126 provisions to changes made by the act; amending s.
127 1012.42, F.S.; prohibiting a district school board from
128 assigning a new teacher to teach reading, science, or
129 mathematics if he or she is not certified in those subject
130 areas; repealing s. 1012.52, F.S., relating to legislative
131 intent for teacher quality; amending s. 1012.56, F.S.;
132 revising the certification requirements for persons
133 holding a valid professional standard teaching certificate
134 issued by another state; providing additional means of
135 demonstrating mastery of professional preparation and
136 education competence; requiring that the State Board of
137 Education review the current subject area examinations and
138 increase the scores necessary for achieving certification;
139 authorizing the State Board of Education to adopt rules to
140 allow certain college credit to be used to meet

141 certification requirements; amending s. 1012.585, F.S.;

142 providing for future expiration of provisions governing

143 certification of teachers who hold national certification;

144 revising the renewal requirements for a professional

145 certificate; providing additional requirements that must

146 be met in order to renew the certificate; requiring that

147 the State Board of Education adopt rules for the renewal

148 of a certificate held by a certificateholder who has not

149 been evaluated under s. 1012.34, F.S.; amending s.

150 1012.72, F.S.; limiting bonuses under the Dale Hickam

151 Excellent Teaching Program to individuals who remain

152 continuously employed in a public school in this state or

153 the Florida School for the Deaf and the Blind; amending s.

154 1012.79, F.S.; revising the composition of the Education

155 Practices Commission; conforming provisions to changes

156 made by the act; amending s. 1012.795, F.S.; conforming

157 provisions to changes made by the act; requiring that the

158 Department of Education submit a report on the cost-

159 effectiveness of teacher preparation programs to the

160 Governor and the Legislature by a specified date;

161 specifying the report requirements; requiring that the

162 Office of Program Policy Analysis and Government

163 Accountability submit recommendations to the Legislature

164 relating to changes in the criteria for the continued

165 approval of teacher preparation programs; authorizing

166 school districts to seek an exemption from the State Board

167 of Education from the requirement of certain laws;

168 authorizing the State Board of Education to adopt rules;

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169 providing for severability; providing for application of a
 170 specified provision of the act; providing effective dates.
 171

172 Be It Enacted by the Legislature of the State of Florida:
 173

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

176 39.202 Confidentiality of reports and records in cases of
 177 child abuse or neglect.—

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

182 (t) Employees or agents of the Department of Education who
 183 are responsible for the investigation or prosecution of
 184 misconduct by certified educators.

185 Section 2. Paragraph (c) of subsection (2) of section
 186 447.403, Florida Statutes, is amended to read:

187 447.403 Resolution of impasses.—

188 (2)

189 ~~(c) If the district school board is the public employer~~
 190 ~~and an impasse is declared under subsection (1) involving a~~
 191 ~~dispute of a Merit Award Program plan under s. 1012.225, the~~
 192 ~~dispute is subject to an expedited impasse hearing.~~

193 ~~Notwithstanding subsections (3), (4), and (5), and the rules~~
 194 ~~adopted by the commission, the following procedures shall apply:~~

195 ~~1.a. The commission shall furnish the names of seven~~
 196 ~~special magistrates within 5 days after receiving notice of~~

197 ~~impasse. If the parties are unable to agree upon a special~~
 198 ~~magistrate within 5 days after the date of the letter~~
 199 ~~transmitting the list of choices, the commission shall~~
 200 ~~immediately appoint a special magistrate. The special magistrate~~
 201 ~~shall set the hearing, which shall be held no later than 15 days~~
 202 ~~after the date of appointment of the special magistrate. Within~~
 203 ~~5 days after the date of appointment of a special magistrate,~~
 204 ~~each party shall serve upon the special magistrate and upon each~~
 205 ~~other party a written list of issues at impasse.~~

206 ~~b. At the close of the hearing, the parties shall~~
 207 ~~summarize their arguments and may provide a written memorandum~~
 208 ~~in support of their positions.~~

209 ~~c. Within 10 days after the close of the hearing, the~~
 210 ~~special magistrate shall transmit a recommended decision to the~~
 211 ~~commission and the parties.~~

212 ~~d. The recommended decision of the special magistrate~~
 213 ~~shall be deemed accepted by the parties, except as to those~~
 214 ~~recommendations that a party specifically rejects, by filing a~~
 215 ~~written notice with the commission and serving a copy on the~~
 216 ~~other party within 5 days after the date of the recommended~~
 217 ~~decision.~~

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

222 Section 3. Paragraph (c) is added to subsection (16) of
 223 section 1002.33, Florida Statutes, paragraph (a) of subsection
 224 (20) of that section is amended, present subsection (26) of that

225 section is redesignated as subsection (27), and a new subsection
 226 (26) is added to that section, to read:

227 1002.33 Charter schools.—

228 (16) EXEMPTION FROM STATUTES.—

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

230 1. A charter school may not award a professional service
 231 contract or similar contract to a classroom teacher hired on or
 232 after July 1, 2010.

233 2. Beginning with the 2014-2015 school year and
 234 thereafter, a charter school must adopt a salary schedule for
 235 instructional personnel and school-based administrators which
 236 compensates instructional personnel and school-based
 237 administrators based on their performance. Salary adjustments
 238 for instructional personnel and school-based administrators must
 239 be based only on performance demonstrated under s. 1012.34. A
 240 charter school may not use length of service or degrees held by
 241 instructional personnel or school-based administrators as a
 242 factor in setting the salary schedule.

243 3. A charter school must meet the following requirements:

244 a. Administer assessments that comply with s. 1008.222.

245 However, a charter school may use its own assessments if the
 246 assessments comply with s. 1008.222;

247 b. Maintain the security and integrity of end-of-course
 248 assessments developed or acquired pursuant to s. 1008.222; and

249 c. Adopt a performance appraisal system that complies with
 250 s. 1012.34.

251 (20) SERVICES.—

252 (a) A sponsor shall provide certain administrative and

253 educational services to charter schools. These services shall
 254 include contract management services; full-time equivalent and
 255 data reporting services; exceptional student education
 256 administration services; services related to eligibility and
 257 reporting duties required to ensure that school lunch services
 258 under the federal lunch program, consistent with the needs of
 259 the charter school, are provided by the school district at the
 260 request of the charter school, that any funds due to the charter
 261 school under the federal lunch program be paid to the charter
 262 school as soon as the charter school begins serving food under
 263 the federal lunch program, and that the charter school is paid
 264 at the same time and in the same manner under the federal lunch
 265 program as other public schools serviced by the sponsor or the
 266 school district; test administration services, including payment
 267 of the costs of state-required or district-required student
 268 assessments; processing of teacher certificate data services;
 269 and information services, including equal access to student
 270 information systems that are used by public schools in the
 271 district in which the charter school is located. Student
 272 performance data for each student in a charter school,
 273 including, but not limited to, FCAT scores, standardized test
 274 scores, previous public school student report cards, and student
 275 performance measures, shall be provided by the sponsor to a
 276 charter school in the same manner provided to other public
 277 schools in the district. A total administrative fee for the
 278 provision of such services shall be calculated based upon up to
 279 5 percent of the available funds defined in paragraph (17) (b)
 280 for all students. However, a sponsor may only withhold up to a

281 5-percent administrative fee for enrollment for up to and
 282 including 500 students. For charter schools with a population of
 283 501 or more students, the difference between the total
 284 administrative fee calculation and the amount of the
 285 administrative fee withheld may only be used for capital outlay
 286 purposes specified in s. 1013.62(2). ~~Each charter school shall~~
 287 ~~receive 100 percent of the funds awarded to that school pursuant~~
 288 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any
 289 additional fees or surcharges for administrative and educational
 290 services in addition to the maximum 5-percent administrative fee
 291 withheld pursuant to this paragraph.

292 (26) FUNDING AND COMPLIANCE.-

293 (a) Effective with the beginning of the 2011-2012 year,
 294 and each year thereafter, the Commissioner of Education shall
 295 calculate and distribute funds from the Performance Fund for
 296 Instructional Personnel and School-Based Administrators in s.
 297 1011.626 to charter schools in the same manner as for school
 298 districts. Charter schools must meet the requirements in s.
 299 1011.626(5).

300 (b) By September 15 of each year, each charter school
 301 governing board shall certify to the Commissioner of Education
 302 that its school meets the requirements in paragraph (16)(c). The
 303 commissioner shall verify compliance with paragraph (16)(c) by
 304 selecting a sample of charter schools each year to provide
 305 information to determine compliance. On or before October 1 of
 306 each year, a selected charter school must submit the requested
 307 information to the commissioner. On or before December 15 of
 308 each year, the commissioner shall complete a review of each

309 selected charter school for that school year, determine
 310 compliance with paragraph (16)(c), and notify each charter
 311 school governing board and sponsor if the charter school is not
 312 in compliance with paragraph (16)(c). The commissioner shall
 313 certify the charter schools that do not comply with paragraph
 314 (16)(c) to the Governor, the President of the Senate, and the
 315 Speaker of the House of Representative on or before February 15
 316 of each year. Each certified charter school shall receive a
 317 funding adjustment of state funds equivalent to 5 percent of the
 318 total Florida Education Finance Program funds provided in the
 319 General Appropriations Act for the charter school. Such funding
 320 adjustment shall be implemented through the withholding of funds
 321 to which the charter school is entitled.

322 Section 4. Subsection (10) of section 1003.52, Florida
 323 Statutes, is amended to read:

324 1003.52 Educational services in Department of Juvenile
 325 Justice programs.—

326 (10) The district school board shall recruit and train
 327 teachers who are interested, qualified, or experienced in
 328 educating students in juvenile justice programs. Students in
 329 juvenile justice programs shall be provided a wide range of
 330 educational programs and opportunities including textbooks,
 331 technology, instructional support, and other resources available
 332 to students in public schools. Teachers assigned to educational
 333 programs in juvenile justice settings in which the district
 334 school board operates the educational program shall be selected
 335 by the district school board in consultation with the director
 336 of the juvenile justice facility. Educational programs in

337 juvenile justice facilities shall have access to the substitute
 338 teacher pool utilized by the district school board. Full-time
 339 teachers working in juvenile justice schools, whether employed
 340 by a district school board or a provider, shall be eligible for
 341 ~~the critical teacher shortage tuition reimbursement program as~~
 342 ~~defined by s. 1009.58 and other~~ teacher recruitment and
 343 retention programs.

344 Section 5. Section 1003.62, Florida Statutes, is repealed.

345 Section 6. Paragraph (h) of subsection (2) of section
 346 1003.621, Florida Statutes, is amended to read:

347 1003.621 Academically high-performing school districts.—It
 348 is the intent of the Legislature to recognize and reward school
 349 districts that demonstrate the ability to consistently maintain
 350 or improve their high-performing status. The purpose of this
 351 section is to provide high-performing school districts with
 352 flexibility in meeting the specific requirements in statute and
 353 rules of the State Board of Education.

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

359 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
 360 differentiated pay and performance-pay policies for school
 361 administrators and instructional personnel, and s. 1012.34,
 362 relating to appraisal procedures and criteria. Professional
 363 service contracts are subject to the provisions of s. ~~ss.~~

364 | 1012.33 ~~and 1012.34~~. Contracts with classroom teachers hired on
 365 | or after July 1, 2010, are subject to s. 1012.335.

366 | Section 7. Section 1003.63, Florida Statutes, is repealed.

367 | Section 8. Paragraph (b) of subsection (4) and subsections
 368 | (5) and (6) of section 1004.04, Florida Statutes, are amended to
 369 | read:

370 | 1004.04 Public accountability and state approval for
 371 | teacher preparation programs.—

372 | (4) INITIAL STATE PROGRAM APPROVAL.—

373 | (b) Each teacher preparation program approved by the
 374 | Department of Education, as provided for by this section, shall
 375 | require students to meet the following as prerequisites for
 376 | admission into the program:

377 | 1. Have a grade point average of at least 2.5 on a 4.0
 378 | scale for the general education component of undergraduate
 379 | studies or have completed the requirements for a baccalaureate
 380 | degree with a minimum grade point average of 2.5 on a 4.0 scale
 381 | from any college or university accredited by a regional
 382 | accrediting association as defined by State Board of Education
 383 | rule or any college or university otherwise approved pursuant to
 384 | State Board of Education rule.

385 | 2. Demonstrate mastery of general knowledge, including the
 386 | ability to read, write, and compute, by passing the General
 387 | Knowledge Test of the Florida Teacher Certification Examination,
 388 | the College Level Academic Skills Test, a corresponding
 389 | component of the National Teachers Examination series, or a
 390 | similar test pursuant to rules of the State Board of Education.
 391 |

392 ~~Each teacher preparation program may waive these admissions~~
 393 ~~requirements for up to 10 percent of the students admitted.~~
 394 ~~Programs shall implement strategies to ensure that students~~
 395 ~~admitted under a waiver receive assistance to demonstrate~~
 396 ~~competencies to successfully meet requirements for~~
 397 ~~certification.~~

398 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
 399 (4), failure by a public or nonpublic teacher preparation
 400 program to meet the criteria for continued program approval
 401 shall result in loss of program approval. The Department of
 402 Education, in collaboration with the departments and colleges of
 403 education, shall develop procedures for continued program
 404 approval that document the continuous improvement of program
 405 processes and graduates' performance.

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

411 (b) ~~(a)~~ Continued approval of specific teacher preparation
 412 programs at each public and nonpublic postsecondary educational
 413 institution within the state is contingent upon the passing of
 414 the written examination required by s. 1012.56 by at least 90
 415 percent of the graduates of the program who take the
 416 examination. The Department of Education shall annually provide
 417 an analysis of the performance of the graduates of such
 418 institution with respect to the competencies assessed by the
 419 examination required by s. 1012.56.

420 (c) ~~(b)~~ Additional criteria for continued program approval
 421 for public institutions may be approved by the State Board of
 422 Education. Such criteria must emphasize instruction in classroom
 423 management and must provide for the evaluation of the teacher
 424 candidates' performance in this area. The criteria shall also
 425 require instruction in working with underachieving students.
 426 Program evaluation procedures must include, but are not limited
 427 to, program graduates' satisfaction with instruction and the
 428 program's responsiveness to local school districts. Additional
 429 criteria for continued program approval for nonpublic
 430 institutions shall be developed in the same manner as for public
 431 institutions; however, such criteria must be based upon
 432 significant, objective, and quantifiable graduate performance
 433 measures. Responsibility for collecting data on outcome measures
 434 through survey instruments and other appropriate means shall be
 435 shared by the postsecondary educational institutions and the
 436 Department of Education. By January 1 of each year, the
 437 Department of Education shall report this information for each
 438 postsecondary educational institution that has state-approved
 439 programs of teacher education to the Governor, the State Board
 440 of Education, the Board of Governors, the Commissioner of
 441 Education, the President of the Senate, the Speaker of the House
 442 of Representatives, all Florida postsecondary teacher
 443 preparation programs, and interested members of the public. This
 444 report must analyze the data and make recommendations for
 445 improving teacher preparation programs in the state.

446 (d) ~~(e)~~ Continued approval for a teacher preparation
 447 program is contingent upon the results of periodic reviews, on a

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448 | schedule established by the State Board of Education, of the
449 | program conducted by the postsecondary educational institution,
450 | using procedures and criteria outlined in an institutional
451 | program evaluation plan approved by the Department of Education,
452 | which must include the program's review of and response to the
453 | effect of its candidates and graduates on K-12 student learning.
454 | This plan must also incorporate and respond to the criteria
455 | established in paragraphs ~~(a) and (b)~~ and (c) and include
456 | provisions for involving primary stakeholders, such as program
457 | graduates, district school personnel, classroom teachers,
458 | principals, community agencies, and business representatives in
459 | the evaluation process. Upon request by an institution, the
460 | department shall provide assistance in developing, enhancing, or
461 | reviewing the institutional program evaluation plan and training
462 | evaluation team members.

463 | (e)~~(d)~~ Continued approval for a teacher preparation
464 | program is contingent upon standards being in place that are
465 | designed to adequately prepare elementary, middle, and high
466 | school teachers to instruct their students in reading and
467 | higher-level mathematics concepts and in the use of technology
468 | at the appropriate grade level.

469 | (f)~~(e)~~ Continued approval of teacher preparation programs
470 | is contingent upon compliance with the student admission
471 | requirements of subsection (4) ~~and upon the receipt of at least~~
472 | ~~a satisfactory rating from public schools and private schools~~
473 | ~~that employ graduates of the program.~~ Each teacher preparation
474 | program shall guarantee the high quality of its graduates during
475 | the first 2 years immediately following graduation from the

476 program or following the graduate's initial certification,
 477 whichever occurs first. Any educator in a Florida school who
 478 fails to demonstrate student learning gains ~~the essential skills~~
 479 as specified in paragraph (a) subparagraphs 1.-5. shall be
 480 provided additional training by the teacher preparation program
 481 at no expense to the educator or the employer. Such training
 482 must consist of an individualized plan agreed upon by the school
 483 district and the postsecondary educational institution that
 484 includes specific learning outcomes. The postsecondary
 485 educational institution assumes no responsibility for the
 486 educator's employment contract with the employer. ~~Employer~~
 487 ~~satisfaction shall be determined by an annually administered~~
 488 ~~survey instrument approved by the Department of Education that,~~
 489 ~~at a minimum, must include employer satisfaction of the~~
 490 ~~graduates' ability to do the following:~~

491 ~~1. Write and speak in a logical and understandable style~~
 492 ~~with appropriate grammar.~~

493 ~~2. Recognize signs of students' difficulty with the~~
 494 ~~reading and computational process and apply appropriate measures~~
 495 ~~to improve students' reading and computational performance.~~

496 ~~3. Use and integrate appropriate technology in teaching~~
 497 ~~and learning processes.~~

498 ~~4. Demonstrate knowledge and understanding of Sunshine~~
 499 ~~State Standards.~~

500 ~~5. Maintain an orderly and disciplined classroom conducive~~
 501 ~~to student learning.~~

502 (g) ~~(f)~~1. Each Florida public and private institution that
 503 offers a state-approved teacher preparation program must

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504 annually report information regarding these programs to the
505 state and the general public. This information shall be reported
506 in a uniform and comprehensible manner that is consistent with
507 definitions and methods approved by the Commissioner of the
508 National Center for Educational Statistics and that is approved
509 by the State Board of Education. This information must include,
510 at a minimum:

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

513 b. The average length of stay of graduates in their full-
514 time teaching positions.

515 c. The percentage of graduates whose students achieved
516 learning gains, as specified in paragraph (a). For purposes of
517 this paragraph, the information shall include the percentage of
518 the students taught per graduate who achieved learning gains.

519 ~~Satisfaction ratings required in paragraph (c).~~

520 2. Each public and private institution offering training
521 for school readiness related professions, including training in
522 the fields of child care and early childhood education, whether
523 offering career credit, associate in applied science degree
524 programs, associate in science degree programs, or associate in
525 arts degree programs, shall annually report information
526 regarding these programs to the state and the general public in
527 a uniform and comprehensible manner that conforms with
528 definitions and methods approved by the State Board of
529 Education. This information must include, at a minimum:

530 a. Average length of stay of graduates in their teaching
531 positions.

532 b. The percent of graduates obtaining full-time teaching
 533 employment within the first year of graduation. ~~Satisfaction~~
 534 ~~ratings of graduates' employers.~~

535

536 This information shall be reported through publications,
 537 including college and university catalogs and promotional
 538 materials sent to potential applicants, secondary school
 539 guidance counselors, and prospective employers of the
 540 institution's program graduates.

541 (6) PRESERVICE FIELD EXPERIENCE.—All postsecondary
 542 instructors, school district personnel and instructional
 543 personnel, and school sites preparing instructional personnel
 544 through preservice field experience courses and internships
 545 shall meet special requirements. District school boards are
 546 authorized to pay student teachers during their internships.

547 (a) All instructors in postsecondary teacher preparation
 548 programs who instruct or supervise preservice field experiences,
 549 preservice experience ~~experience~~ courses, or internships shall have at
 550 least one of the following: specialized training in clinical
 551 supervision; a valid professional teaching certificate issued
 552 under ~~pursuant to~~ ss. 1012.56 and 1012.585; or at least 3 years
 553 of successful teaching experience in prekindergarten through
 554 grade 12.

555 (b) All school district personnel and instructional
 556 personnel who supervise or direct teacher preparation students
 557 during field experience courses or internships must have
 558 evidence of "clinical educator" training and must successfully
 559 demonstrate effective classroom management strategies that

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

562 (c) Preservice field experience programs must provide for
563 continuous student participation in K-12 classroom settings with
564 supervised instruction of K-12 students. All preservice field
565 experience programs must provide specific guidance and
566 demonstration of effective classroom management strategies,
567 strategies for incorporating technology into classroom
568 instruction, strategies for incorporating scientifically
569 researched, knowledge-based reading literacy and computational
570 skills acquisition into classroom instruction, and ways to link
571 instructional plans to the Sunshine State Standards, as
572 appropriate. The length of structured field experiences may be
573 extended to ensure that candidates achieve the competencies
574 needed to meet certification requirements.

575 (d) Postsecondary teacher preparation programs, in
576 consultation ~~cooperation~~ with district school boards and
577 approved private school associations, shall select the school
578 sites for preservice field experience activities based on the
579 instructional skills of the instructor or supervisor with whom
580 the teaching candidate is placed, as demonstrated by the
581 instructor's or supervisor's sustained student learning gains as
582 specified in paragraph (5) (a). ~~These sites must represent the~~
583 ~~full spectrum of school communities, including, but not limited~~
584 ~~to, schools located in urban settings.~~ In order to be selected,
585 school sites must demonstrate commitment to the education of
586 public school students and to the preparation of future
587 teachers.

588 Section 9. Subsections (11) and (12) of section 1004.04,
 589 Florida Statutes, are repealed.

590 Section 10. Paragraph (b) of subsection (3) and
 591 subsections (4) and (5) of section 1004.85, Florida Statutes,
 592 are amended to read:

593 1004.85 Postsecondary educator preparation institutes.—

594 (3) Educator preparation institutes approved pursuant to
 595 this section may offer alternative certification programs
 596 specifically designed for noneducation major baccalaureate
 597 degree holders to enable program participants to meet the
 598 educator certification requirements of s. 1012.56. Such programs
 599 shall be competency-based educator certification preparation
 600 programs that prepare educators through an alternative route. An
 601 educator preparation institute choosing to offer an alternative
 602 certification program pursuant to the provisions of this section
 603 must implement a program previously approved by the Department
 604 of Education for this purpose or a program developed by the
 605 institute and approved by the department for this purpose.
 606 Approved programs shall be available for use by other approved
 607 educator preparation institutes.

608 (b) Each program participant must:

609 1. Meet certification requirements pursuant to s.
 610 1012.56(1) and (2) by obtaining a statement of status of
 611 eligibility prior to admission into the program which indicates
 612 eligibility for a temporary certificate in a teaching subject
 613 and meet the requirements of s. 1012.56(2)(a)-(f).

614 2. Participate in field experience that is appropriate to
 615 his or her educational plan.

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616 3. Demonstrate mastery of general knowledge by one of the
617 options provided in s. 1012.56(3) prior to completion of the
618 program.

619 4.3- Fully demonstrate his or her ability to teach the
620 subject area for which he or she is seeking certification
621 through field experiences and by achievement of a passing score
622 on the corresponding subject area test prior to completion of
623 the program and demonstrate mastery of professional preparation
624 and education competence by achievement of a passing score on
625 the professional education competency examination required by
626 state board rule prior to completion of the program.

627 (4) Each alternative certification program institute
628 approved pursuant to this section shall submit to the Department
629 of Education annual performance evaluations that measure the
630 effectiveness of the programs, including the pass rates of
631 participants on all examinations required for teacher
632 certification, employment rates, longitudinal retention rates,
633 and a review of the impact that participants who have completed
634 the program have on K-12 student learning and employer
635 satisfaction surveys. The employer satisfaction surveys must be
636 designed to measure the sufficient preparation of the educator
637 to enter the classroom. These evaluations and evidence of
638 student learning gains, as measured by state assessments
639 required under s. 1008.22, shall be used by the Department of
640 Education for purposes of continued approval of an educator
641 preparation institute's alternative certification program.

642 (5) Instructors for an alternative certification program
643 approved pursuant to this section must meet the requirements of

644 s. 1004.04(6) ~~possess a master's degree in education or a~~
 645 ~~master's degree in an appropriate related field and document~~
 646 ~~teaching experience.~~

647 Section 11. Section 1008.222, Florida Statutes, is created
 648 to read:

649 1008.222 Development and implementation of end-of-course
 650 assessments of certain subject areas and grade levels.-

651 (1) Each school district must develop or acquire a valid
 652 and reliable end-of-course assessment for each subject area and
 653 grade level not measured by state assessments required under s.
 654 1008.22 or by examinations in AP, IB, AICE, or a national
 655 industry certification identified in the Industry Certification
 656 Funding List pursuant to rules adopted by the State Board of
 657 Education. The content, knowledge, and skills assessed by end-
 658 of-course assessments for each school district must be aligned
 659 to the core curricular content established in the Sunshine State
 660 Standards.

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

665 (b) Each district school superintendent must ensure that
 666 teachers who provide instruction in the same subject or grade
 667 level administer the same end-of-course assessment, as described
 668 in subsection (1). Each school district must adopt policies to
 669 ensure standardized administration and security of the
 670 assessments.

671 (c) Each district school superintendent is responsible for

672 implementing standardized assessment security and
 673 administration, the reporting of assessment results, and using
 674 assessment results to comply with provisions of ss.
 675 1012.22(1)(c) and 1012.34. The district school superintendent
 676 shall certify to the Commissioner of Education that the security
 677 of a standardized assessment required under this section is
 678 maintained. If a district school superintendent's certification
 679 is determined to be invalid through an audit by the Auditor
 680 General or an investigation by the Department of Education, the
 681 superintendent is subject to suspension and removal on the
 682 grounds of misfeasance pursuant to s. 7, Art. IV of the State
 683 Constitution.

684 (d) The Commissioner of Education shall identify methods
 685 to assist and support districts in the development and
 686 acquisition of assessments required under this section. Methods
 687 may include the development of item banks, facilitation of the
 688 sharing of developed tests among districts, and technical
 689 assistance in best professional practices of test development
 690 based on state-adopted curriculum standards, administration, and
 691 security.

692 Section 12. Paragraph (a) of subsection (1) of section
 693 1009.40, Florida Statutes, is amended to read:

694 1009.40 General requirements for student eligibility for
 695 state financial aid awards and tuition assistance grants.—

696 (1)(a) The general requirements for eligibility of
 697 students for state financial aid awards and tuition assistance
 698 grants consist of the following:

699 1. Achievement of the academic requirements of and

700 acceptance at a state university or community college; a nursing
 701 diploma school approved by the Florida Board of Nursing; a
 702 Florida college, university, or community college which is
 703 accredited by an accrediting agency recognized by the State
 704 Board of Education; any Florida institution the credits of which
 705 are acceptable for transfer to state universities; any career
 706 center; or any private career institution accredited by an
 707 accrediting agency recognized by the State Board of Education.

708 2. Residency in this state for no less than 1 year
 709 preceding the award of aid or a tuition assistance grant for a
 710 program established pursuant to s. 1009.50, s. 1009.505, s.
 711 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
 712 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
 713 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.
 714 Residency in this state must be for purposes other than to
 715 obtain an education. Resident status for purposes of receiving
 716 state financial aid awards shall be determined in the same
 717 manner as resident status for tuition purposes pursuant to s.
 718 1009.21.

719 3. Submission of certification attesting to the accuracy,
 720 completeness, and correctness of information provided to
 721 demonstrate a student's eligibility to receive state financial
 722 aid awards or tuition assistance grants. Falsification of such
 723 information shall result in the denial of any pending
 724 application and revocation of any award or grant currently held
 725 to the extent that no further payments shall be made.
 726 Additionally, students who knowingly make false statements in
 727 order to receive state financial aid awards or tuition

728 assistance grants commit a misdemeanor of the second degree
 729 subject to the provisions of s. 837.06 and shall be required to
 730 return all state financial aid awards or tuition assistance
 731 grants wrongfully obtained.

732 Section 13. Section 1009.54, Florida Statutes, is
 733 repealed.

734 Section 14. Section 1009.57, Florida Statutes, is
 735 repealed.

736 Section 15. Section 1009.58, Florida Statutes, is
 737 repealed.

738 Section 16. Section 1009.59, Florida Statutes, is
 739 repealed.

740 Section 17. Paragraph (c) of subsection (2) of section
 741 1009.94, Florida Statutes, is amended to read:

742 1009.94 Student financial assistance database.—

743 (2) For purposes of this section, financial assistance
 744 includes:

745 (c) Any financial assistance provided under s. 1009.50, s.
 746 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
 747 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.
 748 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
 749 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

750 Section 18. Section 1011.626, Florida Statutes, is created
 751 to read:

752 1011.626 Performance Fund for Instructional Personnel and
 753 School-Based Administrators.—

754 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 755 to ensure that every student has a high-quality teacher in his

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756 or her classroom. The Legislature intends, therefore, to hold
757 school districts accountable for demonstrably increasing student
758 achievement.

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

760 (a) Quality classroom teachers and school-based
761 administrators are the single greatest indicators of student
762 achievement.

763 (b) A school district that fails to reward quality
764 classroom teachers or school-based administrators on the
765 performance of their students, and instead rewards these
766 individuals, in whole or in part, based on the number of years
767 worked or degrees held, has violated s. 1012.22(1)(c). A school
768 district's failure to comply with s. 1012.22(1)(c) fails to
769 maximize student learning by not providing the appropriate
770 incentives to attract and retain quality classroom teachers and
771 school-based administrators. As a result, students are penalized
772 for the acts or omissions of district school boards or district
773 school superintendents.

774 (c) A school district that fails to adopt and implement
775 end-of-course assessments that comply with s. 1008.222
776 frustrates the purpose of ensuring that each student has a high-
777 quality teacher in his or her classroom by preventing the
778 determination of the quality of a classroom teacher's or school-
779 based administrator's performance.

780 (d) A school district that fails to comply with s.
781 1012.335 frustrates the purpose of ensuring that each student
782 has a high-quality teacher in his or her classroom by preventing
783 the school district from promptly removing a poor-performing

784 classroom teacher from the classroom and employment.

785 (3) PERFORMANCE FUND.—Effective with the beginning of the
 786 2011-2012 year and each year thereafter, the Performance Fund
 787 for Instructional Personnel and School-Based Administrators is
 788 established.

789 (4) CALCULATION OF THE FUND.—The Commissioner of Education
 790 shall calculate for the second calculation for each district and
 791 charter school an amount of state funds equivalent to 5 percent
 792 of the total state, local, and federal funding determined by the
 793 Florida Education Finance Program under ss. 1011.62, 1011.685,
 794 and 1011.71(1) and (3). Such funds shall be designated as each
 795 district's and charter school's annual Performance Fund for
 796 Instructional Personnel and School-Based Administrators.

797 (5) DISTRIBUTION OF THE FUND.—

798 (a) The commissioner shall distribute these funds in
 799 accordance with the provisions of s. 1011.62(12) to a district
 800 for the implementation of a salary schedule adopted by the
 801 district school board pursuant to s. 1012.22, implementation of
 802 a performance appraisal system pursuant to s. 1012.34, and the
 803 development of end-of-course assessments pursuant to s.
 804 1008.222. The funds may not be used to increase the base
 805 salaries or salary adjustments of employees rated as
 806 unsatisfactory or needs improvement pursuant to s. 1012.34.

807 (b) If funds remain in a district's Performance Fund for
 808 Instructional Personnel and School-Based Administrators after
 809 the end-of-course assessments in s. 1008.222, performance
 810 appraisal system requirements in s. 1012.34, and salary schedule
 811 requirements in s. 1012.22 have been met, the balance may be

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812 used by the district for the same purpose as funds provided
813 pursuant to s. 1011.62(1)(t). Any funds remaining in a
814 district's fund at the end of the state fiscal year shall revert
815 to the fund from which they were appropriated.

816 (c) A salary increase awarded from these funds shall be
817 awarded in addition to any general increase or other adjustments
818 to salaries which are made by a school district. An employee's
819 eligibility for or receipt of a salary increase shall not
820 adversely affect that employee's opportunity to qualify for or
821 to receive any other compensation that is made generally
822 available to other similarly situated district school board
823 employees.

824 (d) Each district shall annually set aside sufficient
825 federal grant funds to ensure that the policies described in
826 this section are equally applied to eligible individuals paid
827 from federal grants.

828 (6) REVIEW.—

829 (a) Beginning with the 2014-2015 fiscal year and each
830 fiscal year thereafter, each district school board must submit
831 the district-adopted salary schedule for the school year and
832 supporting documentation to the commissioner for review on or
833 before October 1 of each year. On or before December 15 of each
834 year, the commissioner shall complete a review of each salary
835 schedule submitted for that school year, determine compliance
836 with s. 1012.22(1)(c), and notify a district school board if the
837 district salary schedule fails to meet the requirements in s.
838 1012.22(1)(c). The commissioner shall certify those school
839 districts that do not comply with s. 1012.22(1)(c) to the

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840 Governor, the President of the Senate, and the Speaker of the
841 House of Representatives on or before February 15 of each year.

842 (b) Beginning with the 2013-2014 fiscal year and
843 thereafter, the commissioner shall select a sampling of school
844 district end-of-course assessments from multiple districts, and
845 school districts must submit for review the requested
846 assessments and supporting documentation on or before October 1
847 of each year. A school district that fails to provide the
848 requested assessment to the commissioner on or before October 1
849 of each year is in violation of s. 1008.222. On or before
850 December 15 of each year, the commissioner shall complete a
851 review of each selected assessment, determine compliance with s.
852 1008.222, and notify a district school board if the selected
853 assessment fails to meet the requirements in s. 1008.222. The
854 commissioner shall certify those school districts that do not
855 comply with s. 1008.222 to the Governor, the President of the
856 Senate, and the Speaker of the House of Representatives on or
857 before February 15 of each year.

858 (c) In the financial audit of each school district,
859 performed by either the Auditor General or an independent
860 certified public accountant in accordance with s. 218.39, the
861 auditor shall review a sample of classroom teacher contracts and
862 determine compliance with s. 1012.335. The sample shall be
863 selected in accordance with guidelines established by the
864 American Institute of Certified Public Accountants. The auditor
865 shall document violations of s. 1012.335 and provide the
866 documentation to the Commissioner of Education on or before
867 October 1 of each year following the audit. On or before

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868 December 15 of each year, the commissioner shall notify the
869 Governor, the President of the Senate, the Speaker of the House
870 of Representatives, and each school district identified in the
871 audit that has not complied with s. 1012.335.

872 (7) FUNDING ADJUSTMENT.—A school district that is
873 certified by the commissioner as not in compliance with the law
874 as described in paragraph (6) (a), paragraph (6) (b), or paragraph
875 (6) (c) shall receive a funding adjustment equal to the amount
876 calculated in subsection (4). Such funding adjustment shall be
877 implemented through the withholding of undistributed funds to
878 which the district is otherwise entitled. To the extent a
879 district's undistributed funds are insufficient to fully satisfy
880 the funding adjustment, the unsatisfied balance shall be
881 withheld from the district's operating funds for the subsequent
882 fiscal year in the form of a prior year adjustment.

883 (8) RULEMAKING.—The State Board of Education shall adopt
884 rules pursuant to ss. 120.536(1) and 120.54 to implement this
885 section. Such rules shall include the documentation requirements
886 for districts, processes and criteria used for determining
887 whether the salary schedule, performance appraisal system, and
888 end-of-course assessments comply with this section, and the
889 reporting and monitoring processes that will be used to ensure
890 compliance with the use of funds distributed under paragraph
891 (5) (a).

892 Section 19. Subsection (2) of section 1011.69, Florida
893 Statutes, is amended to read:

894 1011.69 Equity in School-Level Funding Act.—

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895 (2) Beginning in the 2003-2004 fiscal year, district
 896 school boards shall allocate to schools within the district an
 897 average of 90 percent of the funds generated by all schools and
 898 guarantee that each school receives at least 80 percent of the
 899 funds generated by that school based upon the Florida Education
 900 Finance Program as provided in s. 1011.62 and the General
 901 Appropriations Act, including gross state and local funds,
 902 discretionary lottery funds, and funds from the school
 903 district's current operating discretionary millage levy. Total
 904 funding for each school shall be recalculated during the year to
 905 reflect the revised calculations under the Florida Education
 906 Finance Program by the state and the actual weighted full-time
 907 equivalent students reported by the school during the full-time
 908 equivalent student survey periods designated by the Commissioner
 909 of Education. If the district school board is providing programs
 910 or services to students funded by federal funds, any eligible
 911 students enrolled in the schools in the district shall be
 912 provided federal funds. ~~Only academic performance-based charter~~
 913 ~~school districts, pursuant to s. 1003.62, are exempt from the~~
 914 ~~provisions of this section.~~

915 Section 20. Subsection (4) of section 1012.05, Florida
 916 Statutes, is amended to read:

917 1012.05 Teacher recruitment and retention.—

918 (4) The Department of Education, in cooperation with
 919 district personnel offices, may shall sponsor virtual job fairs
 920 ~~a job fair in a central part of the state~~ to match high-quality,
 921 ~~in-state educators and potential educators~~ and out-of-state
 922 educators and potential educators with teaching opportunities in

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923 | this state. The Department of Education is authorized to collect
924 | a job fair registration fee not to exceed ~~\$20 per person and a~~
925 | ~~booth fee not to exceed~~ \$250 per school district or other
926 | interested participating organization. The revenue from the fees
927 | shall be used to promote and operate the job fair. Funds may be
928 | used to purchase promotional items ~~such as mementos, awards, and~~
929 | ~~plaques.~~

930 | Section 21. Section 1012.07, Florida Statutes, is amended
931 | to read:

932 | 1012.07 Identification of critical teacher shortage
933 | areas.-

934 | ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~
935 | "critical teacher shortage area" means high-need content areas
936 | ~~applies to mathematics, science, career education, and high-~~
937 | priority high priority location areas identified by the State
938 | Board of Education ~~may identify career education programs having~~
939 | ~~critical teacher shortages.~~ The State Board of Education shall
940 | adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
941 | annually identify ~~other~~ critical teacher shortage areas ~~and high~~
942 | ~~priority location areas.~~ The state board must ~~shall~~ also
943 | consider current and emerging educational requirements and
944 | workforce demands ~~teacher characteristics such as ethnic~~
945 | ~~background, race, and sex~~ in determining critical teacher
946 | shortage areas. School grade levels may also be designated
947 | critical teacher shortage areas. Individual district school
948 | boards may identify and submit other critical teacher shortage
949 | areas. Such submissions ~~shortages~~ must be aligned to current and
950 | emerging educational requirements and workforce demands in order

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951 ~~to be certified to and approved by the State Board of Education.~~
952 High-priority ~~High priority~~ location areas shall be in high-
953 density, low-economic urban schools, ~~and~~ low-density, low-
954 economic rural schools, and schools identified as lowest
955 performing under s. 1008.33(4)(b) ~~shall include schools which~~
956 ~~meet criteria which include, but are not limited to, the~~
957 ~~percentage of free lunches, the percentage of students under~~
958 ~~Chapter I of the Education Consolidation and Improvement Act of~~
959 ~~1981, and the faculty attrition rate.~~

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

962 Section 22. Effective July 1, 2014, paragraph (c) of
963 subsection (1) of section 1012.22, Florida Statutes, is amended
964 to read:

965 1012.22 Public school personnel; powers and duties of the
966 district school board.—The district school board shall:

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

972 (c) *Compensation and salary schedules.*—

973 1.a. As provided in this paragraph, the district school
974 board shall adopt a salary schedule that compensates employees
975 based on their performance. ~~The district school board shall~~
976 ~~adopt a salary schedule or salary schedules designed to furnish~~
977 ~~incentives for improvement in training and for continued~~
978 ~~efficient service to be used as a basis for paying all school~~

979 ~~employees and fix and authorize the compensation of school~~
980 ~~employees on the basis thereof.~~

981 b.2. A district school board, in determining the salary
982 adjustments schedule for instructional personnel and school-
983 based administrators, must base ~~a portion of~~ each employee's
984 adjustment only compensation on performance demonstrated under
985 s. 1012.34, ~~must consider the prior teaching experience of a~~
986 ~~person who has been designated state teacher of the year by any~~
987 ~~state in the United States, and must consider prior professional~~
988 ~~experience in the field of education gained in positions in~~
989 ~~addition to district level instructional and administrative~~
990 ~~positions.~~

991 c.3. In developing the salary schedule, the district
992 school board shall seek input from parents, teachers, and
993 representatives of the business community.

994 2.4. ~~Beginning with the 2007-2008 academic year, Each~~
995 district school board shall adopt a salary adjustment for
996 ~~schedule with~~ differentiated pay for both instructional
997 personnel and school-based administrators. ~~The salary schedule~~
998 ~~is subject to negotiation as provided in chapter 447 and must~~
999 ~~allow differentiated pay based on the following:~~

1000 a. Assignment to a school in a high-priority location
1001 area, as defined in State Board of Education rule, with
1002 continued differentiated pay contingent upon documentation of
1003 performance under s. 1012.34;

1004 b. Certification and teaching in critical teacher shortage
1005 areas, as defined in State Board of Education rule, with
1006 continued differentiated pay contingent upon documentation of

1007 performance under s. 1012.34; and
 1008 c. Assignment of additional academic responsibilities,
 1009 with continued differentiated pay contingent upon documentation
 1010 of performance under s. 1012.34.
 1011 3. A district school board shall adopt a salary schedule
 1012 for beginning and renewing teachers as follows:
 1013 a. A beginning teacher. For purposes of this sub-
 1014 subparagraph, the term "beginning teacher" is a classroom
 1015 teacher as defined in s. 1012.01(2)(a), excluding a substitute
 1016 teacher, who has no prior K-12 teaching experience.
 1017 b. A teacher who holds a valid professional standard
 1018 certificate issued by another state and who is hired by the
 1019 district school board.
 1020 c. A teacher who holds a valid professional certificate
 1021 issued pursuant to s. 1012.56, who has not taught in the
 1022 classroom at any time during the previous certification period,
 1023 and who is hired by the district school board.
 1024 4. The salary schedule in subparagraph 3. shall be in
 1025 effect only for the first year that the teacher provides
 1026 instruction in a Florida K-12 classroom. A district school board
 1027 may not use length of service or degrees held as a factor in
 1028 setting a salary schedule ~~district-determined factors,~~
 1029 ~~including, but not limited to, additional responsibilities,~~
 1030 ~~school demographics, critical shortage areas, and level of job~~
 1031 ~~performance difficulties.~~
 1032 Section 23. Section 1012.225, Florida Statutes, is
 1033 repealed.

1034 Section 24. Section 1012.2251, Florida Statutes, is
 1035 repealed.

1036 Section 25. Subsection (5) of section 1012.33, Florida
 1037 Statutes, is amended to read:

1038 1012.33 Contracts with instructional staff, supervisors,
 1039 and school principals.—

1040 (5) Should a district school board have to choose from
 1041 among its personnel who are on continuing contracts or
 1042 professional service contracts as to which should be retained,
 1043 such decisions shall be based primarily upon the employee's
 1044 performance as provided in s. 1012.34 ~~made pursuant to the terms~~
 1045 ~~of a collectively bargained agreement, when one exists. If no~~
 1046 ~~such agreement exists, the district school board shall prescribe~~
 1047 ~~rules to handle reductions in workforce.~~

1048 Section 26. Section 1012.335, Florida Statutes, is created
 1049 to read:

1050 1012.335 Contracts with classroom teachers hired on or
 1051 after July 1, 2010.—

1052 (1) DEFINITIONS.—As used in this section, the term:

1053 (a) "Annual contract" means a contract for a period of no
 1054 longer than 1 school year in which the district school board may
 1055 choose to renew or not renew without cause.

1056 (b) "Classroom teacher" means a classroom teacher as
 1057 defined in s. 1012.01(2)(a), excluding substitute teachers.

1058 (c) "Probationary contract" means a contract for a period
 1059 of no longer than 1 school year during which a classroom teacher
 1060 may be dismissed without cause or may resign from the
 1061 contractual position without breach of contract.

1062 (2) EMPLOYMENT.—
 1063 (a) Beginning July 1, 2010, each person newly hired as a
 1064 classroom teacher by a school district shall receive a
 1065 probationary contract.

1066 (b) A classroom teacher may receive up to four annual
 1067 contracts in a school district in this state if the teacher:

1068 1. Holds a professional certificate as prescribed by s.
 1069 1012.56 and in the rules of the State Board of Education; and

1070 2. Has been recommended by the district school
 1071 superintendent for the annual contract and approved by the
 1072 district school board.

1073 (c) A classroom teacher may not receive an annual contract
 1074 for the 6th year of teaching and thereafter unless the classroom
 1075 teacher:

1076 1. Holds a professional certificate as prescribed by s.
 1077 1012.56 and in the rules of the State Board of Education;

1078 2. Has been recommended by the district school
 1079 superintendent for the annual contract and approved by the
 1080 district school board; and

1081 3. Has received an effective or highly effective
 1082 designation on his or her appraisal pursuant to s. 1012.34 in at
 1083 least 2 of the 3 preceding years for each year an annual
 1084 contract is sought.

1085 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
 1086 ANNUAL CONTRACT.—A classroom teacher who has an annual contract
 1087 may be suspended or dismissed at any time during the term of the
 1088 contract for just cause as provided in subsection (4). The
 1089 district school board must notify a classroom teacher in writing

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1090 whenever charges are made against the classroom teacher, and the
 1091 district school board may suspend him or her without pay.
 1092 However, if the charges are not sustained, the classroom teacher
 1093 shall be immediately reinstated and his or her back pay shall be
 1094 paid.

1095 (4) JUST CAUSE.—The State Board of Education shall adopt
 1096 rules to define the term "just cause." Just cause includes, but
 1097 is not limited to:

- 1098 (a) Immorality.
- 1099 (b) Misconduct in office.
- 1100 (c) Incompetency.
- 1101 (d) Gross insubordination.
- 1102 (e) Willful neglect of duty.
- 1103 (f) Being convicted or found guilty of, or entering a plea
 1104 of guilty to, regardless of adjudication of guilt, any crime
 1105 involving moral turpitude.
- 1106 (g) Poor performance as demonstrated by a lack of student
 1107 learning gains, as specified in s. 1012.34.

1108 Section 27. Section 1012.34, Florida Statutes, is amended
 1109 to read:

1110 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1111 (1) For the purpose of increasing student achievement by
 1112 improving the quality of instructional, administrative, and
 1113 supervisory services in the public schools of the state, the
 1114 district school superintendent shall establish procedures for
 1115 evaluating ~~assessing~~ the performance of duties and
 1116 responsibilities of all instructional, administrative, and
 1117 supervisory personnel employed by the school district. The

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1118 Department of Education must approve each district's
 1119 instructional personnel appraisal assessment system and
 1120 appraisal instruments. The Department of Education must approve
 1121 each school-based administrator appraisal system and appraisal
 1122 instruments. The department shall collect from each school
 1123 district the annual performance ratings of all instructional and
 1124 school-based administrative personnel and report the percentage
 1125 of each of these employees receiving each rating category by
 1126 school and by district to the Governor, the President of the
 1127 Senate, and the Speaker of the House of Representatives.

1128 (2) The following conditions must be considered in the
 1129 design of the district's instructional personnel appraisal
 1130 ~~assessment~~ system:

1131 (a) The system must be designed to support high-quality
 1132 instruction and increased academic achievement ~~district and~~
 1133 ~~school level improvement plans.~~

1134 (b) The system must provide appropriate appraisal
 1135 instruments, procedures, and criteria for continuous quality
 1136 improvement of the professional skills of instructional
 1137 personnel.

1138 (c) The system must include a mechanism to examine
 1139 performance data from multiple sources, which includes giving
 1140 ~~give~~ parents an opportunity to provide input into employee
 1141 performance appraisals ~~assessments when appropriate.~~

1142 (d) In addition to addressing generic teaching
 1143 competencies, districts must determine those teaching fields for
 1144 which special procedures and criteria will be developed.

1145 (e) Each district school board may establish a peer

1146 assistance process. The plan may provide a mechanism for
 1147 assistance of persons who are placed on performance probation as
 1148 well as offer assistance to other employees who request it.

1149 (f) Each ~~The~~ district school board shall provide training
 1150 programs that are based upon guidelines provided by the
 1151 Department of Education to ensure that all individuals with
 1152 evaluation responsibilities understand the proper use of the
 1153 appraisal ~~assessment~~ criteria and procedures.

1154 (g) The system must differentiate among four levels of
 1155 performance: unsatisfactory, needs improvement, effective, and
 1156 highly effective. The Commissioner of Education shall consult
 1157 with performance pay experts and classroom teachers in
 1158 developing the performance levels. Beginning with the 2014-2015
 1159 school year and thereafter, instructional personnel and school-
 1160 based administrators may not be rated as effective or highly
 1161 effective if their students fail to demonstrate learning gains.

1162 (h) The system must include a process for monitoring the
 1163 effective and consistent use of appraisal criteria by
 1164 supervisors and administrators and a process for evaluating the
 1165 effectiveness of the system itself in improving the level of
 1166 instruction and learning in the district's schools.

1167 (3) The appraisal ~~assessment~~ procedure for instructional
 1168 personnel and school administrators must be ~~primarily~~ based on
 1169 the performance of students assigned to their classrooms or
 1170 schools, as described in paragraph (a) appropriate. Pursuant to
 1171 ~~this section,~~ A school district's performance appraisal
 1172 ~~assessment~~ is not limited to basing unsatisfactory performance
 1173 of instructional personnel and school administrators upon

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1174 student performance, but may include other criteria approved to
 1175 evaluate ~~assess~~ instructional personnel and school
 1176 administrators' performance, or any combination of student
 1177 performance and other approved criteria. The procedures must
 1178 comply with, but are not limited to, the following requirements:

1179 (a) An appraisal ~~assessment~~ must be conducted for each
 1180 employee at least once a year, except that an appraisal for each
 1181 teacher, as described in s. 1012.22(1)(c)3., must be conducted
 1182 at least twice a year. ~~The assessment must be based upon sound~~
 1183 ~~educational principles and contemporary research in effective~~
 1184 ~~educational practices. The assessment must primarily use data~~
 1185 ~~and indicators of improvement in student performance assessed~~
 1186 ~~annually as specified in s. 1008.22 and may consider results of~~
 1187 ~~peer reviews in evaluating the employee's performance. Student~~
 1188 ~~performance must be measured by state assessments required under~~
 1189 ~~s. 1008.22 and by local assessments for subjects and grade~~
 1190 ~~levels not measured by the state assessment program.~~ The
 1191 appraisal ~~assessment~~ criteria must include, but are not limited
 1192 to, indicators that relate to the following:

- 1193 1. Performance of students.
- 1194 a. Beginning with the 2014-2015 school year and
 1195 thereafter, for the classroom teacher, the learning gains of
 1196 students assigned to the teacher must comprise more than 50
 1197 percent of the determination of the classroom teacher's
 1198 performance. Beginning with the 2014-2015 school year and
 1199 thereafter, for instructional personnel, who are not classroom
 1200 teachers, the learning gains of students assigned to the school
 1201 must comprise more than 50 percent of the determination of the

1202 individual's performance. A school district may use the learning
 1203 gains of students assigned to the classroom teacher for the
 1204 preceding 3 years, or, for instructional personnel who are not
 1205 classroom teachers, the learning gains of students assigned to
 1206 the school for the preceding 3 years, to determine the
 1207 individual's performance. For purposes of this sub-subparagraph,
 1208 "school" means the school to which the instructional personnel,
 1209 who is not a classroom teacher, was assigned for the last 3
 1210 years. Student learning gains are measured by state assessments
 1211 required under s. 1008.22, examinations in AP, IB, AICE, or a
 1212 national industry certification identified in the Industry
 1213 Certification Funding List pursuant to rules adopted by the
 1214 State Board of Education, or district assessments for subject
 1215 areas and grade levels as required under s. 1008.222.

1216 b. For instructional personnel, more than 50 percent of
 1217 the determination of the individual's performance must be based
 1218 on the performance of students assigned to their classrooms or
 1219 schools, as appropriate. Student performance must be measured by
 1220 state assessments required under s. 1008.22 and by local
 1221 assessments for subjects and grade levels not measured by the
 1222 state assessment program. This sub-subparagraph expires July 1,
 1223 2014.

1224 2. Instructional practice. For instructional personnel,
 1225 performance criteria must be based on the Florida Educator
 1226 Accomplished Practices adopted by the State Board of Education
 1227 by rule, which include:

1228 a. Ability to maintain appropriate discipline.

1229 b. ~~3.~~ Knowledge of subject matter. A district school board

1230 may consider advanced degrees held by instructional personnel.

1231 ~~The district school board shall make special provisions for~~
 1232 ~~evaluating teachers who are assigned to teach out-of-field.~~

1233 c.4. Ability to plan and deliver effective instruction and
 1234 the effective use of technology in the classroom.

1235 d.5. Ability to use assessment data and other evidence of
 1236 student learning to design and implement differentiated
 1237 instructional strategies in order to meet individual student
 1238 needs for remediation or acceleration ~~evaluate instructional~~
 1239 ~~needs.~~

1240 e.6. Ability to establish and maintain a positive
 1241 collaborative relationship with students' families to increase
 1242 student achievement.

1243 f.7. Other professional competencies, responsibilities,
 1244 and requirements as established by rules of the State Board of
 1245 Education and policies of the district school board.

1246 3. Instructional leadership performance.

1247 a. Beginning with the 2014-2015 school year and
 1248 thereafter, for a school-based administrator, the learning gains
 1249 of students assigned to the school must comprise more than 50
 1250 percent of the determination of the school-based administrator's
 1251 performance. A school district may use the learning gains of
 1252 students assigned to the school for the preceding 3 years to
 1253 determine the school-based administrator's performance. For
 1254 purposes of this sub-subparagraph, "school" means the school to
 1255 which the administrator was assigned for the last 3 years.
 1256 Student learning gains are measured by state assessments
 1257 required under s. 1008.22, examinations in AP, IB, AICE, or a

1258 national industry certification identified in the Industry
 1259 Certification Funding List pursuant to rules adopted by the
 1260 State Board of Education, or district assessments for subject
 1261 areas and grade levels as required under s. 1008.222.

1262 b. For school-based administrators, more than 50 percent
 1263 of the determination of the individual's performance must be
 1264 based on the performance of students assigned to their schools.
 1265 Student performance must be measured by state assessments
 1266 required under s. 1008.22 and by local assessments for subjects
 1267 and grade levels not measured by the state assessment program.
 1268 This sub-subparagraph expires July 1, 2014.

1269 4. Instructional leadership practice. For a school-based
 1270 administrator, performance criteria must be based on the Florida
 1271 Principal Leadership Standards adopted by the State Board of
 1272 Education under s. 1012.986, which includes the ability to:

1273 a. Manage human, financial, and material resources so as
 1274 to maximize the share of resources used for direct instruction,
 1275 as opposed to overhead or other purposes; and

1276 b. Recruit and retain high-performing teachers.

1277 (b) All personnel must be fully informed of the criteria
 1278 and procedures associated with the appraisal ~~assessment~~ process
 1279 before the appraisal ~~assessment~~ takes place.

1280 (c) The individual responsible for supervising the
 1281 employee must evaluate ~~assess~~ the employee's performance. The
 1282 evaluator must submit a written report of the appraisal
 1283 ~~assessment~~ to the district school superintendent for the purpose
 1284 of reviewing the employee's contract. The evaluator must submit
 1285 the written report to the employee no later than 10 days after

1286 the appraisal ~~assessment~~ takes place. The evaluator must discuss
 1287 the written report of the appraisal ~~assessment~~ with the
 1288 employee. The employee shall have the right to initiate a
 1289 written response to the appraisal ~~assessment~~, and the response
 1290 shall become a permanent attachment to his or her personnel
 1291 file.

1292 (d) If an employee is not performing his or her duties in
 1293 a satisfactory manner, the evaluator shall notify the employee
 1294 in writing of such determination. The notice must describe such
 1295 unsatisfactory performance and include notice of the following
 1296 procedural requirements:

1297 1. Upon delivery of a notice of unsatisfactory
 1298 performance, the evaluator must confer with the employee, make
 1299 recommendations with respect to specific areas of unsatisfactory
 1300 performance, and provide assistance in helping to correct
 1301 deficiencies within a prescribed period of time.

1302 2.a. If the employee holds an annual contract as provided
 1303 in s. 1012.335, and receives an unsatisfactory performance
 1304 appraisal pursuant to the criteria in subparagraph (a)2., the
 1305 employee may request a review of the appraisal by the district
 1306 school superintendent or his or her designee. The district
 1307 school superintendent may review the employee's appraisal.

1308 b. If the employee holds a professional service contract
 1309 as provided in s. 1012.33, the employee shall be placed on
 1310 performance probation and governed by the provisions of this
 1311 section for 90 calendar days following the receipt of the notice
 1312 of unsatisfactory performance to demonstrate corrective action.
 1313 School holidays and school vacation periods are not counted when

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1314 calculating the 90-calendar-day period. During the 90 calendar
 1315 days, the employee who holds a professional service contract
 1316 must be evaluated periodically and apprised of progress achieved
 1317 and must be provided assistance and inservice training
 1318 opportunities to help correct the noted performance
 1319 deficiencies. At any time during the 90 calendar days, the
 1320 employee who holds a professional service contract may request a
 1321 transfer to another appropriate position with a different
 1322 supervising administrator; however, a transfer does not extend
 1323 the period for correcting performance deficiencies.

1324 ~~c.b.~~ Within 14 days after the close of the 90 calendar
 1325 days, the evaluator must evaluate ~~assess~~ whether the performance
 1326 deficiencies have been corrected and forward a recommendation to
 1327 the district school superintendent. Within 14 days after
 1328 receiving the evaluator's recommendation, the district school
 1329 superintendent must notify the employee who holds a professional
 1330 service contract in writing whether the performance deficiencies
 1331 have been satisfactorily corrected and whether the district
 1332 school superintendent will recommend that the district school
 1333 board continue or terminate his or her employment contract. If
 1334 the employee wishes to contest the district school
 1335 superintendent's recommendation, the employee must, within 15
 1336 days after receipt of the district school superintendent's
 1337 recommendation, submit a written request for a hearing. The
 1338 hearing shall be conducted at the district school board's
 1339 election in accordance with one of the following procedures:

1340 (I) A direct hearing conducted by the district school
 1341 board within 60 days after receipt of the written appeal. The

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1342 hearing shall be conducted in accordance with the provisions of
 1343 ss. 120.569 and 120.57. A majority vote of the membership of the
 1344 district school board shall be required to sustain the district
 1345 school superintendent's recommendation. The determination of the
 1346 district school board shall be final as to the sufficiency or
 1347 insufficiency of the grounds for termination of employment; or

1348 (II) A hearing conducted by an administrative law judge
 1349 assigned by the Division of Administrative Hearings of the
 1350 Department of Management Services. The hearing shall be
 1351 conducted within 60 days after receipt of the written appeal in
 1352 accordance with chapter 120. The recommendation of the
 1353 administrative law judge shall be made to the district school
 1354 board. A majority vote of the membership of the district school
 1355 board shall be required to sustain or change the administrative
 1356 law judge's recommendation. The determination of the district
 1357 school board shall be final as to the sufficiency or
 1358 insufficiency of the grounds for termination of employment.

1359 (4) The district school superintendent shall notify the
 1360 department of any instructional personnel who receive two
 1361 consecutive unsatisfactory evaluations and who have been given
 1362 written notice by the district that their employment is being
 1363 terminated or is not being renewed or that the district school
 1364 board intends to terminate, or not renew, their employment. The
 1365 department shall conduct an investigation to determine whether
 1366 action shall be taken against the certificateholder pursuant to
 1367 s. 1012.795(1)(c).

1368 (5) The district school superintendent shall develop a
 1369 mechanism for evaluating the effective use of appraisal

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1370 ~~assessment~~ criteria and evaluation procedures by administrators
 1371 who are assigned responsibility for evaluating the performance
 1372 of instructional personnel. The use of the appraisal ~~assessment~~
 1373 and evaluation procedures shall be considered as part of the
 1374 annual appraisal ~~assessment~~ of the administrator's performance.
 1375 The system must include a mechanism to give parents and teachers
 1376 an opportunity to provide input into the administrator's
 1377 performance assessment, ~~when appropriate.~~

1378 (6) Nothing in this section shall be construed to grant a
 1379 probationary employee a right to continued employment beyond the
 1380 term of his or her contract.

1381 (7) The district school board shall establish a procedure
 1382 annually reviewing instructional personnel appraisal ~~assessment~~
 1383 systems to determine compliance with this section. All
 1384 substantial revisions to an approved system must be reviewed and
 1385 approved by the district school board before being used to
 1386 evaluate ~~assess~~ instructional personnel. Upon request by a
 1387 school district, the department shall provide assistance in
 1388 developing, improving, or reviewing an appraisal ~~assessment~~
 1389 system.

1390 (8) The State Board of Education shall adopt rules
 1391 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 1392 guidelines for the submission, review, and approval of district
 1393 procedures for the annual appraisal ~~assessment~~ of instructional
 1394 personnel and school-based administrative personnel and that
 1395 include the method of calculating rates of student learning tied
 1396 to differentiated levels of performance as provided for in

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1397 paragraph (2)(g) and criteria for evaluating professional
 1398 performance.

1399 Section 28. Subsection (3) is added to section 1012.42,
 1400 Florida Statutes, to read:

1401 1012.42 Teacher teaching out-of-field.—

1402 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011
 1403 school year, a district school board shall not assign any
 1404 beginning teacher to teach reading, science, or mathematics if
 1405 he or she is not certified in reading, science, or mathematics.

1406 Section 29. Section 1012.52, Florida Statutes, is
 1407 repealed.

1408 Section 30. Paragraph (c) of subsection (2), subsections
 1409 (5), (6), and (7), paragraph (b) of subsection (9), and
 1410 subsection (17) of section 1012.56, Florida Statutes, are
 1411 amended to read:

1412 1012.56 Educator certification requirements.—

1413 (2) ELIGIBILITY CRITERIA.—To be eligible to seek
 1414 certification, a person must:

1415 (c) Document receipt of a bachelor's or higher degree from
 1416 an accredited institution of higher learning, or a nonaccredited
 1417 institution of higher learning that the Department of Education
 1418 has identified as having a quality program resulting in a
 1419 bachelor's degree, or higher. Each applicant seeking initial
 1420 certification must have attained at least a 2.5 overall grade
 1421 point average on a 4.0 scale in the applicant's major field of
 1422 study. The applicant may document the required education by
 1423 submitting official transcripts from institutions of higher
 1424 education or by authorizing the direct submission of such

1425 official transcripts through established electronic network
 1426 systems. The bachelor's or higher degree may not be required in
 1427 areas approved in rule by the State Board of Education as
 1428 nondegreed areas. The State Board of Education may adopt rules
 1429 that, for purposes of demonstrating completion of certification
 1430 requirements specified in state board rule, allow for the
 1431 acceptance of college course credits recommended by the American
 1432 Council on Education (ACE), as posted on an official ACE
 1433 transcript.

1434 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
 1435 demonstrating mastery of subject area knowledge are:

1436 (a) Achievement of passing scores on subject area
 1437 examinations required by state board rule, which may include,
 1438 but need not be limited to, world languages in Arabic, Chinese,
 1439 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
 1440 Italian, Japanese, Portuguese, Russian, and Spanish;

1441 (b) Completion of a bachelor's degree or higher and
 1442 verification of the attainment of an oral proficiency interview
 1443 score above the intermediate level and a written proficiency
 1444 score above the intermediate level on a test administered by the
 1445 American Council on the Teaching of Foreign Languages for which
 1446 there is no Florida-developed examination;

1447 (c) Completion of the subject area specialization
 1448 requirements specified in state board rule and verification of
 1449 the attainment of the essential subject matter competencies by
 1450 the district school superintendent of the employing school
 1451 district or chief administrative officer of the employing state-
 1452 supported or private school for a subject area for which a

1453 subject area examination has not been developed and required by
 1454 state board rule;

1455 (d) Completion of the subject area specialization
 1456 requirements specified in state board rule for a subject
 1457 coverage requiring a master's or higher degree and achievement
 1458 of a passing score on the subject area examination specified in
 1459 state board rule;

1460 (e) A valid professional standard teaching certificate
 1461 issued by another state and achievement of a passing score on
 1462 the subject area exam specified in State Board of Education rule
 1463 or by a full demonstration of mastery of his or her ability to
 1464 teach the subject area for which he or she is seeking
 1465 certification, as provided by rules of the State Board of
 1466 Education; or

1467 (f) A valid certificate issued by the National Board for
 1468 Professional Teaching Standards or a national educator
 1469 credentialing board approved by the State Board of Education.

1470
 1471 School districts are encouraged to provide mechanisms for those
 1472 middle school teachers holding only a K-6 teaching certificate
 1473 to obtain a subject area coverage for middle grades through
 1474 postsecondary coursework or district add-on certification.

1475 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 1476 COMPETENCE.—Acceptable means of demonstrating mastery of
 1477 professional preparation and education competence are:

1478 (a) Completion of an approved teacher preparation program
 1479 at a postsecondary educational institution within this state and
 1480 achievement of a passing score on the professional education

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1481 competency examination required by state board rule;
 1482 (b) Completion of a teacher preparation program at a
 1483 postsecondary educational institution outside Florida and
 1484 achievement of a passing score on the professional education
 1485 competency examination required by state board rule;
 1486 (c) A valid professional standard teaching certificate
 1487 issued by another state;
 1488 (d) A valid certificate issued by the National Board for
 1489 Professional Teaching Standards or a national educator
 1490 credentialing board approved by the State Board of Education;
 1491 (e) Documentation of two semesters of successful teaching
 1492 in a community college, state university, or private college or
 1493 university that awards an associate or higher degree and is an
 1494 accredited institution or an institution of higher education
 1495 identified by the Department of Education as having a quality
 1496 program;
 1497 (f) Completion of professional preparation courses as
 1498 specified in state board rule, successful completion of a
 1499 professional education competence demonstration program pursuant
 1500 to paragraph (8)(b), and achievement of a passing score on the
 1501 professional education competency examination required by state
 1502 board rule;
 1503 (g) Successful completion of a professional preparation
 1504 alternative certification and education competency program,
 1505 outlined in paragraph (8)(a); ~~or~~
 1506 (h) Successful completion of an alternative certification
 1507 program pursuant to s. 1004.85 and achievement of a passing
 1508 score on the professional education competency examination

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1509 required by rule of the State Board of Education; ~~or-~~
 1510 (i) Successful completion of a professional education
 1511 training program provided by Teach for America and achievement
 1512 of a passing score on the professional education competency
 1513 examination required by rule of the State Board of Education.

1514 (7) TYPES AND TERMS OF CERTIFICATION.—

1515 (a) The Department of Education shall issue a professional
 1516 certificate for a period not to exceed 5 years to any applicant
 1517 who meets all the requirements outlined in subsection (2).

1518 (b) The department shall issue a temporary certificate to
 1519 any applicant who meets the following requirements:

1520 1. Completes the requirements outlined in paragraphs
 1521 (2) (a)–(f); ~~and~~

1522 2.a. Completes the subject area content requirements
 1523 specified in state board rule; or

1524 b. Demonstrates mastery of subject area knowledge pursuant
 1525 to subsection (5); and

1526 3. Holds an accredited degree or a degree approved by the
 1527 Department of Education at the level required for the subject
 1528 area specialization in state board rule.

1529 (c) The department shall issue one nonrenewable 2-year
 1530 temporary certificate and one nonrenewable 5-year professional
 1531 certificate to a qualified applicant who holds a bachelor's
 1532 degree in the area of speech-language impairment to allow for
 1533 completion of a master's degree program in speech-language
 1534 impairment.

1535

1536 Each temporary certificate is valid for 3 school fiscal years

1537 and is nonrenewable. However, the requirement in paragraphs
 1538 ~~paragraph~~ (2)(g) and (h) must be met within 1 calendar year of
 1539 the date of employment under the temporary certificate.
 1540 Individuals who are employed under contract at the end of the 1
 1541 calendar year time period may continue to be employed through
 1542 the end of the school year in which they have been contracted. A
 1543 school district shall not employ, or continue the employment of,
 1544 an individual in a position for which a temporary certificate is
 1545 required beyond this time period if the individual has not met
 1546 the requirement of paragraph (2)(g) or paragraph (2)(h). The
 1547 State Board of Education shall adopt rules to allow the
 1548 department to extend the validity period of a temporary
 1549 certificate for 2 years when the requirements for the
 1550 professional certificate, not including the requirement in
 1551 paragraph (2)(g) or paragraph (2)(h), were not completed due to
 1552 the serious illness or injury of the applicant or other
 1553 extraordinary extenuating circumstances. The department shall
 1554 reissue the temporary certificate for 2 additional years upon
 1555 approval by the Commissioner of Education. A written request for
 1556 reissuance of the certificate shall be submitted by the district
 1557 school superintendent, the governing authority of a university
 1558 lab school, the governing authority of a state-supported school,
 1559 or the governing authority of a private school.

1560 (9) EXAMINATIONS.—

1561 (b) The State Board of Education shall, by rule, specify
 1562 the examination scores that are required for the issuance of a
 1563 professional certificate and temporary certificate. Such rules
 1564 must define generic subject area and reading instruction

1565 competencies and must establish uniform evaluation guidelines.
 1566 The State Board of Education shall review the current subject
 1567 area examinations and, if necessary, revise the passing scores
 1568 and reading instruction pursuant to s. 1001.215 required for
 1569 achieving certification in order to match expectations for
 1570 teacher competency in each subject area.

1571 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—
 1572 ~~Beginning with the 2003-2004 school year,~~ The Department of
 1573 Education shall conduct a longitudinal study to compare
 1574 performance of certificateholders who are employed in Florida
 1575 school districts. The study shall compare ~~a sampling of~~
 1576 educators who have qualified for a professional certificate
 1577 ~~since July 1, 2002,~~ based on the following:

1578 (a) Graduation from a state-approved teacher preparation
 1579 program.

1580 (b) Completion of a state-approved professional
 1581 preparation and education competency program.

1582 (c) A valid standard teaching certificate issued by a
 1583 state other than Florida.

1584

1585 The department comparisons shall be made to determine if there
 1586 is any significant difference in the performance of these groups
 1587 of teachers, as measured by their students' achievement levels
 1588 and learning gains as measured by s. 1008.22.

1589 Section 31. Paragraph (b) of subsection (2) and subsection
 1590 (5) of section 1012.585, Florida Statutes, are amended, and
 1591 subsection (6) is added to that section, to read:

1592 1012.585 Process for renewal of professional

1593 certificates.-

1594 (2)

1595 (b) A teacher with national certification from the
 1596 National Board for Professional Teaching Standards is deemed to
 1597 meet state renewal requirements ~~for the life of the teacher's~~
 1598 ~~national certificate~~ in the subject shown on the national
 1599 certificate. A complete renewal application and fee shall be
 1600 submitted. The Commissioner of Education shall notify teachers
 1601 of the renewal application and fee requirements. This paragraph
 1602 expires July 1, 2014.

1603 (5) The State Board of Education shall adopt rules to
 1604 allow the reinstatement of expired professional certificates.
 1605 The department may reinstate an expired professional certificate
 1606 if the certificateholder:

1607 (a) Submits an application for reinstatement of the
 1608 expired certificate.

1609 (b) Documents completion of 6 college credits during the 5
 1610 years immediately preceding reinstatement of the expired
 1611 certificate, completion of 120 inservice points, or a
 1612 combination thereof, in an area specified in paragraph (3)(a).

1613 (c) Meets the requirements in subsection (6).

1614 ~~(d)(e)~~ During the 5 years immediately preceding
 1615 reinstatement of the certificate, achieves a passing score on
 1616 the subject area test for each subject to be shown on the
 1617 reinstated certificate.

1618

1619 The requirements of this subsection may not be satisfied by
 1620 subject area tests or college credits completed for issuance of

1621 the certificate that has expired.
 1622 (6) Beginning with the 2014-2015 school year, the
 1623 requirements for the renewal of a professional certificate shall
 1624 include documentation of effective or highly effective
 1625 performance as demonstrated under s. 1012.34 for at least 4 of
 1626 the preceding 5 years before the renewal certification is
 1627 sought. The State Board of Education shall adopt rules to define
 1628 the process for documenting effective performance under this
 1629 subsection, including equivalent options for individuals who
 1630 have not been evaluated under s. 1012.34. An individual's
 1631 certificate shall expire if the individual is not able to
 1632 demonstrate effective performance as required under this
 1633 subsection and the rules of the state board. The individual may
 1634 apply to reinstate his or her professional certificate under
 1635 subsection (5).

1636 Section 32. Subsection (2) of section 1012.72, Florida
 1637 Statutes, is amended to read:

1638 1012.72 Dale Hickam Excellent Teaching Program.—

1639 (2) The Dale Hickam Excellent Teaching Program is created
 1640 to provide categorical funding for bonuses for teaching
 1641 excellence. The bonuses may be provided for initial
 1642 certification for up to one 10-year period for individuals
 1643 holding NBPTS certification on July 1, 2010, and who remain
 1644 continuously employed in a public school in this state or the
 1645 Florida School for the Deaf and the Blind. The Department of
 1646 Education shall distribute to each school district an amount as
 1647 prescribed annually by the Legislature for the Dale Hickam
 1648 Excellent Teaching Program. For purposes of this section, the

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1649 Florida School for the Deaf and the Blind shall be considered a
1650 school district. Unless otherwise provided in the General
1651 Appropriations Act, each distribution shall be the sum of the
1652 amounts earned for the following:

1653 (a) An annual bonus equal to 10 percent of the prior
1654 fiscal year's statewide average salary for classroom teachers to
1655 be distributed to the school district to be paid to each
1656 individual who holds NBPTS certification and is employed by the
1657 district school board or by a public school within the school
1658 district. The district school board shall distribute the annual
1659 bonus to each individual who meets the requirements of this
1660 paragraph and who is certified annually by the district to have
1661 demonstrated satisfactory teaching performance pursuant to s.
1662 1012.34. The annual bonus may be paid as a single payment or
1663 divided into not more than three payments.

1664 (b) An annual bonus equal to 10 percent of the prior
1665 fiscal year's statewide average salary for classroom teachers to
1666 be distributed to the school district to be paid to each
1667 individual who meets the requirements of paragraph (a) and
1668 agrees, in writing, to provide the equivalent of 12 workdays of
1669 mentoring and related services to public school teachers within
1670 the state who do not hold NBPTS certification. Related services
1671 must include instruction in helping teachers work more
1672 effectively with the families of their students. The district
1673 school board shall distribute the annual bonus in a single
1674 payment following the completion of all required mentoring and
1675 related services for the year. It is not the intent of the
1676 Legislature to remove excellent teachers from their assigned

1677 classrooms; therefore, credit may not be granted by a school
 1678 district or public school for mentoring or related services
 1679 provided during student contact time during the 196 days of
 1680 required service for the school year.

1681 (c) The employer's share of social security and Medicare
 1682 taxes for those teachers who receive bonus amounts under
 1683 paragraph (a) or paragraph (b).

1684 Section 33. Subsection (1) of section 1012.79, Florida
 1685 Statutes, is amended to read:

1686 1012.79 Education Practices Commission; organization.—

1687 (1) The Education Practices Commission consists of 25
 1688 members, including 11 & teachers; 5 administrators, at least one
 1689 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,
 1690 3 ~~5~~ of whom shall be parents of public school students and who
 1691 are unrelated to public school employees and 2 of whom shall be
 1692 former district school board members; and 4 ~~5~~ sworn law
 1693 enforcement officials, appointed by the State Board of Education
 1694 from nominations by the Commissioner of Education and subject to
 1695 Senate confirmation. Prior to making nominations, the
 1696 commissioner shall consult with teaching associations, parent
 1697 organizations, law enforcement agencies, and other involved
 1698 associations in the state. In making nominations, the
 1699 commissioner shall attempt to achieve equal geographical
 1700 representation, as closely as possible.

1701 (a) A teacher member, in order to be qualified for
 1702 appointment:

- 1703 1. Must be certified to teach in the state.
- 1704 2. Must be a resident of the state.

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1705 3. Must have practiced the profession ~~in this state~~ for at
 1706 least 10 years, with at least 5 years of experience in this
 1707 state immediately preceding the appointment.

1708 (b) A school administrator member, in order to be
 1709 qualified for appointment:

1710 1. Must have an endorsement on the educator certificate in
 1711 the area of school administration or supervision.

1712 2. Must be a resident of the state.

1713 3. Must have practiced the profession as an administrator
 1714 for at least 5 years immediately preceding the appointment.

1715 (c) The lay members must be residents of the state.

1716 (d) The law enforcement official members must have served
 1717 in the profession for at least 5 years immediately preceding
 1718 appointment and have background expertise in child safety.

1719 Section 34. Paragraph (h) of subsection (1) of section
 1720 1012.795, Florida Statutes, is amended to read:

1721 1012.795 Education Practices Commission; authority to
 1722 discipline.-

1723 (1) The Education Practices Commission may suspend the
 1724 educator certificate of any person as defined in s. 1012.01(2)
 1725 or (3) for up to 5 years, thereby denying that person the right
 1726 to teach or otherwise be employed by a district school board or
 1727 public school in any capacity requiring direct contact with
 1728 students for that period of time, after which the holder may
 1729 return to teaching as provided in subsection (4); may revoke the
 1730 educator certificate of any person, thereby denying that person
 1731 the right to teach or otherwise be employed by a district school
 1732 board or public school in any capacity requiring direct contact

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1733 with students for up to 10 years, with reinstatement subject to
1734 the provisions of subsection (4); may revoke permanently the
1735 educator certificate of any person thereby denying that person
1736 the right to teach or otherwise be employed by a district school
1737 board or public school in any capacity requiring direct contact
1738 with students; may suspend the educator certificate, upon an
1739 order of the court or notice by the Department of Revenue
1740 relating to the payment of child support; or may impose any
1741 other penalty provided by law, if the person:

1742 (h) Has breached a contract, as provided in s. 1012.33(2)
1743 or s. 1012.335.

1744 Section 35. Review of teacher preparation program
1745 funding.—

1746 (1) The Department of Education, in collaboration with the
1747 Board of Governors, shall develop a methodology to determine the
1748 cost-effectiveness of the teacher preparation programs in ss.
1749 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
1750 methodology for determining program costs must use existing
1751 expenditure data, when available.

1752 (2) On or before December 1, 2011, the Department of
1753 Education shall submit a report to the Governor, the President
1754 of the Senate, and the Speaker of the House of Representatives
1755 which:

1756 (a) Provides a methodology to evaluate the cost-
1757 effectiveness of teacher preparation programs based on program
1758 costs, program outcomes of student cohorts such as completion
1759 rates, placement rates in teaching jobs, retention rates in the
1760 classroom, and student achievement and learning gains of

1761 students taught by graduates;
 1762 (b) Uses the methodology developed to evaluate the cost-
 1763 effectiveness of the state's teacher preparation programs; and
 1764 (c) Provides recommendations that would enhance the
 1765 Legislature's ability to consider the program's productivity
 1766 when allocating funds.
 1767 (3) The Office of Program Policy Analysis and Government
 1768 Accountability shall review the current standards for the
 1769 continued approval of teacher preparation programs and make
 1770 recommendations to the Legislature on or before January 1, 2012,
 1771 for any needed changes. Such recommendations shall include
 1772 proposed changes to the allocation of any state funds to teacher
 1773 preparation programs and the students enrolled in these
 1774 programs.
 1775 Section 36. (1) Any school district that received a grant
 1776 of at least \$75 million from a private foundation for the
 1777 purpose of improving the effectiveness of teachers within the
 1778 school district may seek an annual exemption from the State
 1779 Board of Education of ss. 1008.222, 1011.626, Florida Statutes,
 1780 as created by this act, and the amendments to ss. 1012.22 and
 1781 1012.34, Florida Statutes, as amended by this act.
 1782 (2) To receive approval from the State Board of Education
 1783 for an exemption under this section, a school district must
 1784 demonstrate to the State Board of Education that it is
 1785 implementing the following:
 1786 (a) A teacher appraisal system that uses student
 1787 performance as the single greatest component of the teacher's
 1788 evaluation.

1789 (b) A teacher compensation system that awards salary
 1790 increases based on sustained student performance.

1791 (c) A teacher contract system that awards contracts based
 1792 on student performance.

1793 (3) The State Board of Education shall annually renew a
 1794 school district's exemption if the school district provides a
 1795 progress report that demonstrates that the school district
 1796 continues to meet the requirements of subsection (2).

1797 (4) The State Board of Education shall adopt rules
 1798 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
 1799 establish the procedures for applying for an exemption under
 1800 this section.

1801 Section 37. If any provision of this act or its
 1802 application to any person or circumstance is held invalid, the
 1803 invalidity does not affect other provisions or applications of
 1804 the act which can be given effect without the invalid provision
 1805 or application, and to this end the provisions of this act are
 1806 severable.

1807 Section 38. The amendments to s. 1012.33, Florida
 1808 Statutes, shall apply to contracts newly entered into, extended,
 1809 or readopted on or after July 1, 2010, and to all contracts on
 1810 or after July 1, 2013.

1811 Section 39. Except as otherwise expressly provided in this
 1812 act, this act shall take effect July 1, 2010.

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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: Education Policy Council
2 Representative Jones offered the following:

Amendment

5 Remove lines 1050-1107 and insert:

6 1012.335 Contracts with classroom teachers newly hired on
7 or after July 1, 2010.-

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

9 (a) "Annual contract" means a contract for a period of no
10 longer than 1 school year which the district school board, in
11 accordance with procedures developed by the school board, may
12 choose to renew or not renew for a subsequent term without
13 cause.

14 (b) "Classroom teacher" means a classroom teacher as
15 defined in s. 1012.01(2)(a), excluding substitute teachers.

16 (c) "Performance contract" means a contract for a period of
17 no longer than 1 school year which shall be renewed, in
18 accordance with procedures developed by the district school
19 board, for an additional 1 year term if the classroom teacher

Amendment No. 01

20 serving pursuant to such contract achieves an appraisal rating
21 of effective or highly effective as defined in s. 1012.34.

22 (d) "Probationary contract" means a contract for a period
23 of no longer than 1 school year during which a classroom teacher
24 may be dismissed without cause, or may resign from the
25 contractual position without breach of contract, in accordance
26 with procedures developed by the district school board.

27 (2) EMPLOYMENT.—

28 (a) Beginning July 1, 2010, each person newly hired as a
29 classroom teacher by a school district shall receive a
30 probationary contract.

31 (b) Upon completion of the term of the probationary
32 contract, a classroom teacher who is recommended for additional
33 employment in accordance with procedures developed by the
34 district school board, shall be awarded an annual contract if
35 the teacher:

36 1. Holds a professional certificate as prescribed by s. 38
37 1012.56 and in the rules of the State Board of Education; and

38 2. Has been recommended by the district school
39 superintendent for an annual contract and approved by the
40 district school board.

41 (c) Upon completion of 5 years of employment, a classroom
42 teacher shall be awarded a performance contract in accordance
43 with procedures developed by the district school board if the
44 teacher:

45 1. Holds a professional certificate as prescribed by s.
46 1012.56 and in the rules of the State Board of Education; and

Amendment No. 01

47 2. Has been recommended by the district school
48 superintendent for an additional year of employment and approved
49 by the district school board.

50 (d) If the classroom teacher has received effective or
51 highly effective appraisal ratings during the probationary and 3
52 annual contract terms, the teacher shall be awarded a
53 performance contract in accordance with procedures developed by
54 the district school board after 4 years of employment if the
55 teacher:

56 1. Holds a professional certificate as prescribed by s.
57 1012.56 and in the rules of the State Board of Education; and

58 2. Has been recommended by the district school
59 superintendent for an additional year of employment and approved
60 by the district school board.

61 (e) A classroom teacher shall be awarded additional 1 year
62 performance contracts in accordance with procedures developed by
63 the district school board as long as he or she receives an
64 effective or highly effective designation on his or her
65 appraisal pursuant to s. 1012.34 in at least 2 of the 3
66 preceding years of employment.

67 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
68 OR PERFORMANCE CONTRACTS.—A classroom teacher who has an annual
69 or performance contract may be suspended or dismissed at any
70 time during the term of the contract, and a classroom teacher
71 who has a performance contract may be returned to annual
72 contract status at the end of any school year in accordance with
73 procedures developed by the district school board for just cause
74 as provided in subsection (4). The district school board must

COUNCIL/COMMITTEE AMENDMENT

Bill No. PCS for HB 7189 (2010)

Amendment No. 01

75 notify a classroom teacher in writing of the charges that are
76 made against the classroom teacher, and the district school
77 board may suspend him or her with or without pay in accordance
78 with procedures developed by the school board. The classroom
79 teacher may contest the charges that are made in accordance with
80 procedures adopted by the district school board and chapter 120.
81 If the charges are not sustained, the classroom teacher shall be
82 immediately reinstated and his or her back pay and benefits
83 shall be paid.

84 (4) JUST CAUSE.—The State Board of Education shall adopt
85 rules to define the term "just cause." Just cause shall include:

86 (a) Immorality.

87 (b) Misconduct in office.

88 (c) Incompetency.

89 (d) Gross insubordination.

90 (e) Willful neglect of duty.

91 (f) Being convicted or found guilty of, or entering a plea
92 of guilty to, regardless of adjudication of guilt, any crime of
93 moral turpitude.

94 (g) Unsatisfactory performance as demonstrated by a lack of
95 student learning gains as specified in s. 1012.34.

COUNCIL/COMMITTEE AMENDMENT
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Amendment No. 02

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: Education Policy Council
2 Representative Jones offered the following:

3

4 **Amendment**

5 Remove line 1027 and insert:

6 may use length of service or degrees held as a factor in

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 7189 (2010)

Amendment No. 03

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: Education Policy Council
2 Representative Jones offered the following:

3

4 **Amendment**

5 Remove line 240 and insert:

6 charter school may use length of service or degrees held by

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 7189 (2010)

Amendment No. 04

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: Education Policy Council
2 Representative(s) Jones offered the following:

3
4 **Amendment**

5 Remove lines 582-584 and insert:
6 specified in paragraph (5)(a). These sites must represent the
7 full spectrum of school communities, including, but not limited
8 to, schools located in urban settings. In order to be selected,

Amendment No. 5

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: Education Policy Council
2 Representative(s) Heller offered the following:

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

5 Remove lines 1589-1635 and insert:

6 Section 31. Paragraph (b) of subsection (2) of section
7 1012.585, Florida Statutes, is amended to read:

8 1012.585 Process for renewal of professional
9 certificates.-

10 (2)

11 (b) A teacher with national certification from the
12 National Board for Professional Teaching Standards is deemed to
13 meet state renewal requirements ~~for the life of the teacher's~~
14 ~~national certificate~~ in the subject shown on the national
15 certificate. A complete renewal application and fee shall be
16 submitted. The Commissioner of Education shall notify teachers
17 of the renewal application and fee requirements. This paragraph
18 expires July 1, 2014.

Amendment No. 5

20

21

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

22

Remove lines 144-149 and insert:

23

amending s.

Amendment No. 06

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: Education Policy Council
2 Representative(s) Chestnut offered the following:

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

5 Remove lines 789-815 and insert:

6 (4) CALCULATION OF THE FUND.—

7 (a) Contingent upon the state being awarded and receiving
8 funds from the United States Department of Education's Race to
9 the Top program, the Commissioner of Education shall calculate
10 for the second calculation for each district and charter school
11 an amount of state funds equivalent to 5 percent of the total
12 state, local, and federal funding determined by the Florida
13 Education Finance Program under ss. 1011.62, 1011.685, and
14 1011.71(1) and (3). Such funds shall be designated as each
15 district's and charter school's annual Performance Fund for
16 Instructional Personnel and School-Based Administrators.

17 (b) Absent the state being awarded and receiving Race to
18 the Top funds, or if Race to the Top funds are insufficient to
19 cover the Performance Fund for Instructional Personnel and

Amendment No. 06

20 School-Based Administrators, money for this fund shall be
21 appropriated by the Legislature separately from the Florida
22 Education Finance Program.

23 (c) Provisions in this subsection may only be implemented
24 with a majority vote of the Legislative Budget Commission.

25 (5) DISTRIBUTION OF THE FUND.—

26 (a) The commissioner shall distribute these funds in
27 accordance with the provisions of s. 1011.62(12) to a district
28 for the implementation of a salary schedule adopted by the
29 district school board pursuant to s. 1012.22, implementation of
30 a performance appraisal system pursuant to s. 1012.34, and the
31 development of end-of-course assessments pursuant to s.
32 1008.222. The funds may not be used to increase the base
33 salaries or salary adjustments of employees rated as
34 unsatisfactory or needs improvement pursuant to s. 1012.34.

35 (b) If funds remain in a district's Performance Fund for
36 Instructional Personnel and School-Based Administrators after
37 the end-of-course assessments in s. 1008.222, performance
38 appraisal system requirements in s. 1012.34, and salary schedule
39 requirements in s. 1012.22 have been met, the balance may be
40 used by the district for the same purpose as funds provided
41 pursuant to s. 1011.62(1)(t). Any funds remaining in a
42 district's fund at the end of the state fiscal year shall revert
43 to the Teacher Lead Program.

44
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47

Amendment No. 06

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52

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

Remove line 65 and insert:
providing for calculation of the fund amount contingent on
certain federal funding and an affirmative vote by the
Legislative Budget Commission; providing

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 7189 (2010)

Amendment No. 07

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: Education Policy Council
2 Representative Kiar offered the following:

3

4 **Amendment**

5 Remove lines 1642-1645 and insert:

6 certification for up to one 10-year period. The Department of

Amendment No. 08

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: Education Policy Council
2 Representative Kiar offered the following:

3
4 **Amendment**

5 Remove lines 972-980 and insert:

6 (c) Compensation and salary schedules.-

7 1.a. As provided in this paragraph, the district school
8 board shall adopt a salary schedule that compensates employees
9 based on their performance. The salary schedule shall be in
10 addition to the base salary of the employee, including teachers
11 and instructional personnel, which must be set at or higher than
12 the national average of teachers' salaries. ~~The district school~~
13 ~~board shall adopt a salary schedule or salary schedules designed~~
14 ~~to furnish incentives for improvement in training and for~~
15 ~~continued efficient service to be used as a basis for paying all~~
16 ~~school employees and fix and authorize the compensation of~~
17 ~~school employees on the basis thereof.~~

Amendment No. 09

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: Education Policy Council
2 Representative Sachs offered the following:

3
4 **Amendment**

5 Between lines 1166 and 1167, insert:

6 (i) The system must take into account factors outside of
7 the teacher's control, such as, but not limited to, natural
8 disasters, socioeconomic factors, age, home environment, etc.,
9 to be used in evaluating the teacher and developing a
10 performance pay plan.