

1                                   A bill to be entitled  
 2       An act relating to education personnel; amending s.  
 3       39.202, F.S.; authorizing the release of child abuse  
 4       records to certain employees and agents of the Department  
 5       of Education; amending s. 447.403, F.S.; deleting a  
 6       provision that provides for an expedited impasse hearing  
 7       for disputes involving the Merit Award Program plan to  
 8       conform to changes made by the act; amending s. 1002.33,  
 9       F.S.; requiring a charter school to adopt a salary  
 10      schedule for instructional personnel and school-based  
 11      administrators which meets certain requirements; providing  
 12      that charter schools must meet certain requirements for  
 13      end-of-course assessments, performance appraisals, and  
 14      certain contracts; deleting a cross-reference to conform  
 15      to changes made by the act; requiring that the  
 16      Commissioner of Education review certain charter schools  
 17      for compliance with the requirements for a salary  
 18      schedule, assessments, and contracts; requiring a  
 19      specified funding adjustment to be imposed against a  
 20      charter school that is not in compliance; amending s.  
 21      1003.52, F.S.; deleting a cross-reference to conform to  
 22      changes made by the act; repealing s. 1003.62, F.S.,  
 23      relating to academic performance-based charter school  
 24      districts; amending s. 1003.621, F.S.; providing  
 25      additional requirements for personnel in academically  
 26      high-performing school districts; repealing s. 1003.63,  
 27      relating to the deregulated public schools pilot program;  
 28      amending s. 1004.04, F.S.; revising the criteria for

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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.,

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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 or an independent certified public accountant of certain  
78 classroom teacher contracts; requiring that the  
79 Commissioner of Education notify the Governor and  
80 Legislature of school districts that fail to comply with  
81 salary schedule, assessment, and contract requirements;  
82 requiring a specified funding adjustment to be imposed  
83 against a school district for such failure to comply;  
84 requiring that the State Board of Education adopt rules;

85 | amending s. 1011.69, F.S.; deleting a provision that  
 86 | exempts academic performance-based charter school  
 87 | districts from the Equity in School-Level Funding Act to  
 88 | conform to changes made by the act; amending s. 1012.05,  
 89 | F.S.; revising the Department of Education's  
 90 | responsibilities for teacher recruitment; amending s.  
 91 | 1012.07, F.S.; revising the methodology for determining  
 92 | critical teacher shortage areas; deleting cross-references  
 93 | to conform to changes made by the act; amending s.  
 94 | 1012.22, F.S.; revising the powers and duties of the  
 95 | district school board with respect to school district  
 96 | compensation and salary schedules; requiring that certain  
 97 | performance criteria be included in the adopted schedules;  
 98 | revising the differentiated pay provisions; repealing s.  
 99 | 1012.225, F.S., relating to the Merit Award Program for  
 100 | Instructional Personnel and School-Based Administrators;  
 101 | repealing s. 1012.2251, F.S., relating to the end-of-  
 102 | course examinations for the Merit Award Program; amending  
 103 | s. 1012.28, F.S.; conforming provisions to changes made by  
 104 | the act; amending s. 1012.33, F.S.; revising provisions  
 105 | relating to contracts with certain educational personnel;  
 106 | requiring a district school board's decision to retain  
 107 | personnel who have continuing contracts or professional  
 108 | service contracts to be primarily based on the employee's  
 109 | performance; deleting requirements that school board  
 110 | decisions for workforce reductions be based on collective  
 111 | bargaining agreements; deleting requirements for district  
 112 | school board rules for workforce reduction; creating s.

113 | 1012.335, F.S.; providing definitions; providing  
114 | employment criteria for newly hired classroom teachers;  
115 | providing grounds for termination; requiring that the  
116 | State Board of Education adopt rules defining the term  
117 | "just cause"; providing guidelines for such term; amending  
118 | s. 1012.34, F.S.; revising provisions related to the  
119 | appraisal of instructional personnel and school-based  
120 | administrators; requiring that the Department of Education  
121 | approve school district appraisal instruments; requiring  
122 | the Department of Education to collect appraisal  
123 | information from school districts and to report such  
124 | information to the Governor and the Legislature; providing  
125 | requirements for appraisal systems; authorizing an  
126 | employee to request that a district school superintendent  
127 | review an unsatisfactory performance appraisal; conforming  
128 | provisions to changes made by the act; amending s.  
129 | 1012.42, F.S.; prohibiting a district school board from  
130 | assigning a new teacher to teach reading, science, or  
131 | mathematics if he or she is not certified in those subject  
132 | areas; repealing s. 1012.52, F.S., relating to legislative  
133 | intent for teacher quality; amending s. 1012.56, F.S.;  
134 | revising the certification requirements for persons  
135 | holding a valid professional standard teaching certificate  
136 | issued by another state; providing additional means of  
137 | demonstrating mastery of professional preparation and  
138 | education competence; requiring that the State Board of  
139 | Education review the current subject area examinations and  
140 | increase the scores necessary for achieving certification;

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141 authorizing the State Board of Education to adopt rules to  
142 allow certain college credit to be used to meet  
143 certification requirements; amending s. 1012.585, F.S.;  
144 providing for future expiration of provisions governing  
145 certification of teachers who hold national certification;  
146 revising the renewal requirements for a professional  
147 certificate; providing additional requirements that must  
148 be met in order to renew the certificate; requiring that  
149 the State Board of Education adopt rules for the renewal  
150 of a certificate held by a certificateholder who has not  
151 been evaluated under s. 1012.34, F.S.; amending s.  
152 1012.72, F.S.; limiting bonuses under the Dale Hickam  
153 Excellent Teaching Program to individuals who remain  
154 continuously employed in a public school in this state or  
155 the Florida School for the Deaf and the Blind; amending s.  
156 1012.79, F.S.; revising the composition of the Education  
157 Practices Commission and a qualification for appointment  
158 to the commission; amending s. 1012.795, F.S.; conforming  
159 provisions to changes made by the act; requiring that the  
160 Department of Education submit a report on the cost-  
161 effectiveness of teacher preparation programs to the  
162 Governor and the Legislature by a specified date;  
163 specifying the report requirements; requiring that the  
164 Office of Program Policy Analysis and Government  
165 Accountability submit recommendations to the Legislature  
166 relating to changes in the criteria for the continued  
167 approval of teacher preparation programs; authorizing  
168 school districts to seek an exemption from the State Board

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169 of Education from the requirement of certain laws;  
 170 requiring the State Board of Education to adopt rules;  
 171 providing for severability; providing for application of a  
 172 specified provision of the act; providing effective dates.

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

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

178 39.202 Confidentiality of reports and records in cases of  
 179 child abuse or neglect.—

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

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

187 Section 2. Paragraph (c) of subsection (2) of section  
 188 447.403, Florida Statutes, is amended to read:

189 447.403 Resolution of impasses.—

190 (2)

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

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

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

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

211           ~~e. Within 10 days after the close of the hearing, the~~  
 212 ~~special magistrate shall transmit a recommended decision to the~~  
 213 ~~commission and the parties.~~

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

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

224           Section 3. Paragraph (c) is added to subsection (16) of



225 section 1002.33, Florida Statutes, paragraph (a) of subsection  
 226 (20) of that section is amended, present subsection (26) of that  
 227 section is redesignated as subsection (27), and a new subsection  
 228 (26) is added to that section, to read:

229 1002.33 Charter schools.—

230 (16) EXEMPTION FROM STATUTES.—

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

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

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

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

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

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

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

251 c. Adopt a performance appraisal system that complies with  
 252 s. 1012.34.

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

281 5 percent of the available funds defined in paragraph (17)(b)  
 282 for all students. However, a sponsor may only withhold up to a  
 283 5-percent administrative fee for enrollment for up to and  
 284 including 500 students. For charter schools with a population of  
 285 501 or more students, the difference between the total  
 286 administrative fee calculation and the amount of the  
 287 administrative fee withheld may only be used for capital outlay  
 288 purposes specified in s. 1013.62(2). ~~Each charter school shall~~  
 289 ~~receive 100 percent of the funds awarded to that school pursuant~~  
 290 ~~to s. 1012.225.~~ Sponsors shall not charge charter schools any  
 291 additional fees or surcharges for administrative and educational  
 292 services in addition to the maximum 5-percent administrative fee  
 293 withheld pursuant to this paragraph.

294 (26) FUNDING AND COMPLIANCE.—

295 (a) Effective with the beginning of the 2011-2012 year,  
 296 and each year thereafter, the Commissioner of Education shall  
 297 calculate and distribute funds from the Performance Fund for  
 298 Instructional Personnel and School-Based Administrators in s.  
 299 1011.626 to charter schools in the same manner as for school  
 300 districts. Charter schools must meet the requirements in s.  
 301 1011.626(5).

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

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

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

326 1003.52 Educational services in Department of Juvenile  
 327 Justice programs.—

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

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

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

347 Section 6. Paragraph (h) of subsection (2) of section  
 348 1003.621, Florida Statutes, is amended to read:

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

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

361 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
 362 differentiated pay and performance-pay policies for school  
 363 administrators and instructional personnel, and s. 1012.34,  
 364 relating to appraisal procedures and criteria. Professional

365 service contracts are subject to the provisions of s. ~~ss.~~  
 366 1012.33 and 1012.34. Contracts with classroom teachers hired on  
 367 or after July 1, 2010, are subject to s. 1012.335.

368 Section 7. Section 1003.63, Florida Statutes, is repealed.

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

372 1004.04 Public accountability and state approval for  
 373 teacher preparation programs.—

374 (4) INITIAL STATE PROGRAM APPROVAL.—

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

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

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

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

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

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

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

421 examination required by s. 1012.56.

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

448       (d)~~(e)~~ Continued approval for a teacher preparation



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

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

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

477 the first 2 years immediately following graduation from the  
 478 program or following the graduate's initial certification,  
 479 whichever occurs first. Any educator in a Florida school who  
 480 fails to demonstrate student learning gains ~~the essential skills~~  
 481 as specified in paragraph (a) ~~subparagraphs 1.-5.~~ shall be  
 482 provided additional training by the teacher preparation program  
 483 at no expense to the educator or the employer. Such training  
 484 must consist of an individualized plan agreed upon by the school  
 485 district and the postsecondary educational institution that  
 486 includes specific learning outcomes. The postsecondary  
 487 educational institution assumes no responsibility for the  
 488 educator's employment contract with the employer. ~~Employer~~  
 489 ~~satisfaction shall be determined by an annually administered~~  
 490 ~~survey instrument approved by the Department of Education that,~~  
 491 ~~at a minimum, must include employer satisfaction of the~~  
 492 ~~graduates' ability to do the following:~~

- 493 ~~1. Write and speak in a logical and understandable style~~  
 494 ~~with appropriate grammar.~~
- 495 ~~2. Recognize signs of students' difficulty with the~~  
 496 ~~reading and computational process and apply appropriate measures~~  
 497 ~~to improve students' reading and computational performance.~~
- 498 ~~3. Use and integrate appropriate technology in teaching~~  
 499 ~~and learning processes.~~
- 500 ~~4. Demonstrate knowledge and understanding of Sunshine~~  
 501 ~~State Standards.~~
- 502 ~~5. Maintain an orderly and disciplined classroom conducive~~  
 503 ~~to student learning.~~

504 (g) ~~(f)~~1. Each Florida public and private institution that

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

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

515 b. The average length of stay of graduates in their full-  
 516 time teaching positions.

517 c. The percent of graduates whose students achieved  
 518 learning gains, as specified in paragraph (a). For purposes of  
 519 this paragraph, the information shall include the percentage of  
 520 the students taught per graduate who achieved learning gains.  
 521 ~~Satisfaction ratings required in paragraph (c).~~

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

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

533 positions.

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

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

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

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

557 (b) All school district personnel and instructional  
 558 personnel who supervise or direct teacher preparation students  
 559 during field experience courses or internships must have  
 560 evidence of "clinical educator" training and must successfully

561 demonstrate effective classroom management strategies that  
 562 consistently result in improved student performance. The State  
 563 Board of Education shall approve the training requirements.

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

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

588 public school students and to the preparation of future  
 589 teachers.

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

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

595 1004.85 Postsecondary educator preparation institutes.—

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

610 (b) Each program participant must:

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

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616 2. Participate in field experience that is appropriate to  
617 his or her educational plan.

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

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

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

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

V

644 (5) Instructors for an alternative certification program  
 645 approved pursuant to this section must meet the requirements of  
 646 s. 1004.04(6) ~~possess a master's degree in education or a~~  
 647 ~~master's degree in an appropriate related field and document~~  
 648 ~~teaching experience.~~

649 Section 11. Section 1008.222, Florida Statutes, is created  
 650 to read:

651 1008.222 Development and implementation of end-of-course  
 652 assessments of certain subject areas and grade levels.-

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

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

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



672 assessments.

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

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

694 Section 12. Paragraph (a) of subsection (1) of section  
 695 1009.40, Florida Statutes, is amended to read:

696 1009.40 General requirements for student eligibility for  
 697 state financial aid awards and tuition assistance grants.-

698 (1)(a) The general requirements for eligibility of  
 699 students for state financial aid awards and tuition assistance

700 grants consist of the following:

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

710 2. Residency in this state for no less than 1 year  
 711 preceding the award of aid or a tuition assistance grant for a  
 712 program established pursuant to s. 1009.50, s. 1009.505, s.  
 713 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
 714 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
 715 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.  
 716 Residency in this state must be for purposes other than to  
 717 obtain an education. Resident status for purposes of receiving  
 718 state financial aid awards shall be determined in the same  
 719 manner as resident status for tuition purposes pursuant to s.  
 720 1009.21.

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

728 | Additionally, students who knowingly make false statements in  
 729 | order to receive state financial aid awards or tuition  
 730 | assistance grants commit a misdemeanor of the second degree  
 731 | subject to the provisions of s. 837.06 and shall be required to  
 732 | return all state financial aid awards or tuition assistance  
 733 | grants wrongfully obtained.

734 |       Section 13. Section 1009.54, Florida Statutes, is  
 735 | repealed.

736 |       Section 14. Section 1009.57, Florida Statutes, is  
 737 | repealed.

738 |       Section 15. Section 1009.58, Florida Statutes, is  
 739 | repealed.

740 |       Section 16. Section 1009.59, Florida Statutes, is  
 741 | repealed.

742 |       Section 17. Paragraph (c) of subsection (2) of section  
 743 | 1009.94, Florida Statutes, is amended to read:

744 |       1009.94 Student financial assistance database.—

745 |       (2) For purposes of this section, financial assistance  
 746 | includes:

747 |       (c) Any financial assistance provided under s. 1009.50, s.  
 748 | 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
 749 | 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.  
 750 | 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.  
 751 | 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

752 |       Section 18. Section 1011.626, Florida Statutes, is created  
 753 | to read:

754 |       1011.626 Performance Fund for Instructional Personnel and  
 755 | School-Based Administrators.—

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756        (1) LEGISLATIVE INTENT.—It is the intent of the  
757 Legislature to ensure that every student has a high-quality  
758 teacher in his or her classroom. The Legislature intends,  
759 therefore, to hold school districts accountable for demonstrably  
760 increasing student achievement.

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

762        (a) Quality classroom teachers and school-based  
763 administrators are the single greatest indicators of student  
764 achievement.

765        (b) A school district that fails to reward quality  
766 classroom teachers or school-based administrators on the  
767 performance of their students, and instead rewards these  
768 individuals, in whole or in part, based on the number of years  
769 worked or degrees held, has violated s. 1012.22(1)(c). A school  
770 district's failure to comply with s. 1012.22(1)(c) fails to  
771 maximize student learning by not providing the appropriate  
772 incentives to attract and retain quality classroom teachers and  
773 school-based administrators. As a result, students are penalized  
774 for the acts or omissions of district school boards or district  
775 school superintendents.

776        (c) A school district that fails to adopt and implement  
777 end-of-course assessments that comply with s. 1008.222  
778 frustrates the purpose of ensuring that each student has a high-  
779 quality teacher in his or her classroom by preventing the  
780 determination of the quality of a classroom teacher's or school-  
781 based administrator's performance.

782        (d) A school district that fails to comply with s.  
783 1012.335 frustrates the purpose of ensuring that each student

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784 has a high-quality teacher in his or her classroom by preventing  
785 the school district from promptly removing a poor-performing  
786 classroom teacher from the classroom and employment.

787 (3) PERFORMANCE FUND.—Effective with the beginning of the  
788 2011-2012 year and each year thereafter, the Performance Fund  
789 for Instructional Personnel and School-Based Administrators is  
790 established.

791 (4) CALCULATION OF THE FUND.—The Commissioner of Education  
792 shall calculate for the second calculation for each district and  
793 charter school an amount of state funds equivalent to 5 percent  
794 of the total state, local, and federal funding determined by the  
795 Florida Education Finance Program under ss. 1011.62, 1011.685,  
796 and 1011.71(1) and (3). Such funds shall be designated as each  
797 district's and charter school's annual Performance Fund for  
798 Instructional Personnel and School-Based Administrators.

799 (5) DISTRIBUTION OF THE FUND.—

800 (a) The commissioner shall distribute these funds in  
801 accordance with the provisions of s. 1011.62(12) to a district  
802 for the implementation of a salary schedule adopted by the  
803 district school board pursuant to s. 1012.22, implementation of  
804 a performance appraisal system pursuant to s. 1012.34, and the  
805 development of end-of-course assessments pursuant to s.  
806 1008.222. The funds may not be used to increase the base  
807 salaries or salary adjustments of employees rated as  
808 unsatisfactory or needs improvement pursuant to s. 1012.34.

809 (b) If funds remain in a district's Performance Fund for  
810 Instructional Personnel and School-Based Administrators after  
811 the end-of-course assessments in s. 1008.222, performance

812 appraisal system requirements in s. 1012.34, and salary schedule  
 813 requirements in s. 1012.22 have been met, the balance may be  
 814 used by the district for the same purpose as funds provided  
 815 pursuant to s. 1011.62(1)(t). Any funds remaining in a  
 816 district's fund at the end of the state fiscal year shall revert  
 817 to the fund from which they were appropriated.

818 (c) A salary increase awarded from these funds shall be  
 819 awarded in addition to any general increase or other adjustments  
 820 to salaries which are made by a school district. An employee's  
 821 eligibility for or receipt of a salary increase shall not  
 822 adversely affect that employee's opportunity to qualify for or  
 823 to receive any other compensation that is made generally  
 824 available to other similarly situated district school board  
 825 employees.

826 (d) Each district shall annually set aside sufficient  
 827 federal grant funds to ensure that the policies described in  
 828 this section are equally applied to eligible individuals paid  
 829 from federal grants.

830 (6) REVIEW.—

831 (a) Beginning with the 2014-2015 fiscal year and each  
 832 fiscal year thereafter, each district school board must submit  
 833 the district-adopted salary schedule for the school year and  
 834 supporting documentation to the commissioner for review on or  
 835 before October 1 of each year. On or before December 15 of each  
 836 year, the commissioner shall complete a review of each salary  
 837 schedule submitted for that school year, determine compliance  
 838 with s. 1012.22(1)(c), and notify a district school board if the  
 839 district salary schedule fails to meet the requirements in s.

840 1012.22(1)(c). The commissioner shall certify those school  
 841 districts that do not comply with s. 1012.22(1)(c) to the  
 842 Governor, the President of the Senate, and the Speaker of the  
 843 House of Representatives on or before February 15 of each year.

844 (b) Beginning with the 2013-2014 fiscal year and  
 845 thereafter, the commissioner shall select a sampling of school  
 846 district end-of-course assessments from multiple districts, and  
 847 school districts must submit for review the requested  
 848 assessments and supporting documentation on or before October 1  
 849 of each year. A school district that fails to provide the  
 850 requested assessment to the commissioner on or before October 1  
 851 of each year is in violation of s. 1008.222. On or before  
 852 December 15 of each year, the commissioner shall complete a  
 853 review of each selected assessment, determine compliance with s.  
 854 1008.222, and notify a district school board if the selected  
 855 assessment fails to meet the requirements in s. 1008.222. The  
 856 commissioner shall certify those school districts that do not  
 857 comply with s. 1008.222 to the Governor, the President of the  
 858 Senate, and the Speaker of the House of Representatives on or  
 859 before February 15 of each year.

860 (c) In the financial audit of each school district,  
 861 performed by either the Auditor General or an independent  
 862 certified public accountant in accordance with s. 218.39, the  
 863 auditor shall review a sample of classroom teacher contracts and  
 864 determine compliance with s. 1012.335. The sample shall be  
 865 selected in accordance with guidelines established by the  
 866 American Institute of Certified Public Accountants. The auditor  
 867 shall document violations of s. 1012.335 and provide the

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868 documentation to the Commissioner of Education on or before  
869 October 1 of each year following the audit. On or before  
870 December 15 of each year, the commissioner shall notify the  
871 Governor, the President of the Senate, the Speaker of the House  
872 of Representatives, and each school district identified in the  
873 audit that has not complied with s. 1012.335.

874 (7) FUNDING ADJUSTMENT.—A school district that is  
875 certified by the commissioner as not in compliance with the law  
876 as described in paragraph (6) (a), paragraph (6) (b), or paragraph  
877 (6) (c) shall receive a funding adjustment equal to the amount  
878 calculated in subsection (4). Such funding adjustment shall be  
879 implemented through the withholding of undistributed funds to  
880 which the district is otherwise entitled. To the extent a  
881 district's undistributed funds are insufficient to fully satisfy  
882 the funding adjustment, the unsatisfied balance shall be  
883 withheld from the district's operating funds for the subsequent  
884 fiscal year in the form of a prior year adjustment.

885 (8) RULEMAKING.—The State Board of Education shall adopt  
886 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
887 section. Such rules shall include the documentation requirements  
888 for districts, processes and criteria used for determining  
889 whether the salary schedule, performance appraisal system, and  
890 end-of-course assessments comply with this section, and the  
891 reporting and monitoring processes that will be used to ensure  
892 compliance with the use of funds distributed under paragraph  
893 (5) (a).

894 Section 19. Subsection (2) of section 1011.69, Florida  
895 Statutes, is amended to read:



896 | 1011.69 Equity in School-Level Funding Act.—  
 897 | (2) Beginning in the 2003-2004 fiscal year, district  
 898 | school boards shall allocate to schools within the district an  
 899 | average of 90 percent of the funds generated by all schools and  
 900 | guarantee that each school receives at least 80 percent of the  
 901 | funds generated by that school based upon the Florida Education  
 902 | Finance Program as provided in s. 1011.62 and the General  
 903 | Appropriations Act, including gross state and local funds,  
 904 | discretionary lottery funds, and funds from the school  
 905 | district's current operating discretionary millage levy. Total  
 906 | funding for each school shall be recalculated during the year to  
 907 | reflect the revised calculations under the Florida Education  
 908 | Finance Program by the state and the actual weighted full-time  
 909 | equivalent students reported by the school during the full-time  
 910 | equivalent student survey periods designated by the Commissioner  
 911 | of Education. If the district school board is providing programs  
 912 | or services to students funded by federal funds, any eligible  
 913 | students enrolled in the schools in the district shall be  
 914 | provided federal funds. ~~Only academic performance based charter~~  
 915 | ~~school districts, pursuant to s. 1003.62, are exempt from the~~  
 916 | ~~provisions of this section.~~

917 | Section 20. Subsection (4) of section 1012.05, Florida  
 918 | Statutes, is amended to read:

919 | 1012.05 Teacher recruitment and retention.—

920 | (4) The Department of Education, in cooperation with  
 921 | district personnel offices, may shall sponsor virtual job fairs  
 922 | ~~a job fair in a central part of the state to match~~ high-quality,  
 923 | ~~in-state educators and potential educators and out-of-state~~

924 educators and potential educators with teaching opportunities in  
 925 this state. The Department of Education is authorized to collect  
 926 a job fair registration fee not to exceed ~~\$20 per person and a~~  
 927 ~~booth fee not to exceed~~ \$250 per school district or other  
 928 interested participating organization. The revenue from the fees  
 929 shall be used to promote and operate the job fair. Funds may be  
 930 used to purchase promotional items ~~such as mementos, awards, and~~  
 931 ~~plaques.~~

932 Section 21. Section 1012.07, Florida Statutes, is amended  
 933 to read:

934 1012.07 Identification of critical teacher shortage  
 935 areas.—

936 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~  
 937 "critical teacher shortage area" means high-need content areas  
 938 ~~applies to mathematics, science, career education, and high-~~  
 939 priority high priority location areas identified by. the State  
 940 Board of Education ~~may identify career education programs having~~  
 941 ~~critical teacher shortages.~~ The State Board of Education shall  
 942 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
 943 annually identify ~~other~~ critical teacher shortage areas ~~and high~~  
 944 ~~priority location areas.~~ The state board must ~~shall also~~  
 945 consider current and emerging educational requirements and  
 946 workforce demands ~~teacher characteristics such as ethnic~~  
 947 ~~background, race, and sex~~ in determining critical teacher  
 948 shortage areas. School grade levels may also be designated  
 949 critical teacher shortage areas. Individual district school  
 950 boards may identify and submit other critical teacher shortage  
 951 areas. Such submissions ~~shortages~~ must be aligned to current and

952 emerging educational requirements and workforce demands in order  
 953 to be certified to and approved by the State Board of Education.  
 954 High-priority ~~High priority~~ location areas shall be in high-  
 955 density, low-economic urban schools; ~~and~~ low-density, low-  
 956 economic rural schools; and schools identified as lowest  
 957 performing under s. 1008.33(4)(b) shall include schools which  
 958 ~~meet criteria which include, but are not limited to, the~~  
 959 ~~percentage of free lunches, the percentage of students under~~  
 960 ~~Chapter I of the Education Consolidation and Improvement Act of~~  
 961 ~~1981, and the faculty attrition rate.~~

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

964 Section 22. Effective July 1, 2014, paragraph (c) of  
 965 subsection (1) of section 1012.22, Florida Statutes, is amended  
 966 to read:

967 1012.22 Public school personnel; powers and duties of the  
 968 district school board.—The district school board shall:

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

974 (c) Compensation and salary schedules.—

975 1.a. As provided in this paragraph, the district school  
 976 board shall adopt a salary schedule that compensates employees  
 977 based on their performance. ~~The district school board shall~~  
 978 ~~adopt a salary schedule or salary schedules designed to furnish~~  
 979 ~~incentives for improvement in training and for continued~~

1980 ~~efficient service to be used as a basis for paying all school~~  
 1981 ~~employees and fix and authorize the compensation of school~~  
 1982 ~~employees on the basis thereof.~~

1983 b.2. A district school board, in determining the salary  
 1984 adjustments schedule for instructional personnel and school-  
 1985 based administrators, must base ~~a portion of~~ each employee's  
 1986 adjustment only ~~compensation~~ on performance demonstrated under  
 1987 s. 1012.34, ~~must consider the prior teaching experience of a~~  
 1988 ~~person who has been designated state teacher of the year by any~~  
 1989 ~~state in the United States, and must consider prior professional~~  
 1990 ~~experience in the field of education gained in positions in~~  
 1991 ~~addition to district level instructional and administrative~~  
 1992 ~~positions.~~

1993 c.3. In developing the salary schedule, the district  
 1994 school board shall seek input from parents, teachers, and  
 1995 representatives of the business community.

1996 ~~2.4.~~ Beginning with the 2007-2008 academic year, Each  
 1997 district school board shall adopt a salary adjustment for  
 1998 ~~schedule with~~ differentiated pay for both instructional  
 1999 personnel and school-based administrators. ~~The salary schedule~~  
 1000 ~~is subject to negotiation as provided in chapter 447 and must~~  
 1001 ~~allow differentiated pay based on the following:~~

1002 a. Assignment to a school in a high-priority location  
 1003 area, as defined in State Board of Education rule, with  
 1004 continued differentiated pay contingent upon documentation of  
 1005 performance under s. 1012.34;

1006 b. Certification and teaching in critical teacher shortage  
 1007 areas, as defined in State Board of Education rule, with

1008 continued differentiated pay contingent upon documentation of  
 1009 performance under s. 1012.34; and

1010 c. Assignment of additional academic responsibilities,  
 1011 with continued differentiated pay contingent upon documentation  
 1012 of performance under s. 1012.34.

1013 3. A district school board shall adopt a salary schedule  
 1014 for beginning and renewing teachers as follows:

1015 a. A beginning teacher. For purposes of this sub-  
 1016 subparagraph, the term "beginning teacher" is a classroom  
 1017 teacher as defined in s. 1012.01(2)(a) who has no prior K-12  
 1018 teaching experience.

1019 b. A teacher who holds a valid professional standard  
 1020 certificate issued by another state and who is hired by the  
 1021 district school board.

1022 c. A teacher who holds a valid professional certificate  
 1023 issued pursuant to s. 1012.56, who has not taught in the  
 1024 classroom at any time during the previous certification period,  
 1025 and who is hired by the district school board.

1026 4. The salary schedule in subparagraph 3. shall be in  
 1027 effect only for the first year that the teacher provides  
 1028 instruction in a Florida K-12 classroom. A district school board  
 1029 may not use length of service or degrees held as a factor in  
 1030 setting a salary schedule ~~district-determined factors,~~  
 1031 ~~including, but not limited to, additional responsibilities,~~  
 1032 ~~school demographics, critical shortage areas, and level of job~~  
 1033 ~~performance difficulties.~~

1034 Section 23. Section 1012.225, Florida Statutes, is  
 1035 repealed.

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1036 Section 24. Section 1012.2251, Florida Statutes, is  
 1037 repealed.

1038 Section 25. Subsection (3) of section 1012.28, Florida  
 1039 Statutes, is amended to read:

1040 1012.28 Public school personnel; duties of school  
 1041 principals.-

1042 (3) Each school principal is responsible for the  
 1043 performance of all personnel employed by the district school  
 1044 board and assigned to the school to which the principal is  
 1045 assigned. The school principal shall faithfully and effectively  
 1046 apply the personnel appraisal ~~assessment~~ system approved by the  
 1047 district school board pursuant to s. 1012.34.

1048 Section 26. Subsection (5) of section 1012.33, Florida  
 1049 Statutes, is amended to read:

1050 1012.33 Contracts with instructional staff, supervisors,  
 1051 and school principals.-

1052 (5) Should a district school board have to choose from  
 1053 among its personnel who are on continuing contracts or  
 1054 professional service contracts as to which should be retained,  
 1055 such decisions shall be based primarily upon the employee's  
 1056 performance as provided in s. 1012.34 ~~made pursuant to the terms~~  
 1057 ~~of a collectively bargained agreement, when one exists. If no~~  
 1058 ~~such agreement exists, the district school board shall prescribe~~  
 1059 ~~rules to handle reductions in workforce.~~

1060 Section 27. Section 1012.335, Florida Statutes, is created  
 1061 to read:

1062 1012.335 Contracts with classroom teachers hired on or  
 1063 after July 1, 2010.-

1064        (1) DEFINITIONS.—As used in this section, the term:  
 1065        (a) "Annual contract" means a contract for a period of no  
 1066 longer than 1 school year in which the district school board may  
 1067 choose to renew or not renew without cause.  
 1068        (b) "Classroom teacher" means a classroom teacher as  
 1069 defined in s. 1012.01(2)(a), excluding substitute teachers.  
 1070        (c) "Probationary contract" means a contract for a period  
 1071 of no longer than 1 school year during which a classroom teacher  
 1072 may be dismissed without cause or may resign from the  
 1073 contractual position without breach of contract.  
 1074        (2) EMPLOYMENT.—  
 1075        (a) Beginning July 1, 2010, each person newly hired as a  
 1076 classroom teacher by a school district shall receive a  
 1077 probationary contract.  
 1078        (b) A classroom teacher may receive up to four annual  
 1079 contracts in a school district in this state if the teacher:  
 1080        1. Holds a professional certificate as prescribed by s.  
 1081 1012.56 and in the rules of the State Board of Education; and  
 1082        2. Has been recommended by the district school  
 1083 superintendent for the annual contract and approved by the  
 1084 district school board.  
 1085        (c) A classroom teacher may not receive an annual contract  
 1086 for the 6th year of teaching and thereafter unless the classroom  
 1087 teacher:  
 1088        1. Holds a professional certificate as prescribed by s.  
 1089 1012.56 and in the rules of the State Board of Education;  
 1090        2. Has been recommended by the district school  
 1091 superintendent for the annual contract and approved by the

1092 district school board; and  
 1093 3. Has received an effective or highly effective  
 1094 designation on his or her appraisal pursuant to s. 1012.34 in at  
 1095 least 2 of the 3 preceding years for each year an annual  
 1096 contract is sought.

1097 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON  
 1098 ANNUAL CONTRACT.—A classroom teacher who has an annual contract  
 1099 may be suspended or dismissed at any time during the term of the  
 1100 contract for just cause as provided in subsection (4). The  
 1101 district school board must notify a classroom teacher in writing  
 1102 whenever charges are made against the classroom teacher, and the  
 1103 district school board may suspend him or her without pay.  
 1104 However, if the charges are not sustained, the classroom teacher  
 1105 shall be immediately reinstated and his or her back pay shall be  
 1106 paid.

1107 (4) JUST CAUSE.—The State Board of Education shall adopt  
 1108 rules to define the term "just cause." Just cause includes, but  
 1109 is not limited to:

- 1110 (a) Immorality.
- 1111 (b) Misconduct in office.
- 1112 (c) Incompetency.
- 1113 (d) Gross insubordination.
- 1114 (e) Willful neglect of duty.
- 1115 (f) Being convicted or found guilty of, or entering a plea  
 1116 of guilty to, regardless of adjudication of guilt, any crime  
 1117 involving moral turpitude.

1118 (g) Poor performance as demonstrated by a lack of student  
 1119 learning gains, as specified in s. 1012.34.



1120 Section 28. Section 1012.34, Florida Statutes, is amended  
 1121 to read:

1122 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

1123 (1) For the purpose of increasing student achievement by  
 1124 improving the quality of instructional, administrative, and  
 1125 supervisory services in the public schools of the state, the  
 1126 district school superintendent shall establish procedures for  
 1127 evaluating ~~assessing~~ the performance of duties and  
 1128 responsibilities of all instructional, administrative, and  
 1129 supervisory personnel employed by the school district. The  
 1130 Department of Education must approve each district's  
 1131 instructional personnel appraisal ~~assessment~~ system and  
 1132 appraisal instruments. The Department of Education must approve  
 1133 each school-based administrator appraisal system and appraisal  
 1134 instruments. The department shall collect from each school  
 1135 district the annual performance ratings of all instructional and  
 1136 school-based administrative personnel and report the percentage  
 1137 of each of these employees receiving each rating category by  
 1138 school and by district to the Governor, the President of the  
 1139 Senate, and the Speaker of the House of Representatives.

1140 (2) The following conditions must be considered in the  
 1141 design of the district's instructional personnel appraisal  
 1142 ~~assessment~~ system:

1143 (a) The system must be designed to support high-quality  
 1144 instruction and increased academic achievement ~~district and~~  
 1145 ~~school level improvement plans.~~

1146 (b) The system must provide appropriate appraisal  
 1147 instruments, procedures, and criteria for continuous quality

1148 improvement of the professional skills of instructional  
 1149 personnel.

1150 (c) The system must include a mechanism to examine  
 1151 performance data from multiple sources, which includes giving  
 1152 ~~give~~ parents an opportunity to provide input into employee  
 1153 performance appraisals ~~assessments when appropriate~~.

1154 (d) In addition to addressing generic teaching  
 1155 competencies, districts must determine those teaching fields for  
 1156 which special procedures and criteria will be developed.

1157 (e) Each district school board may establish a peer  
 1158 assistance process. The plan may provide a mechanism for  
 1159 assistance of persons who are placed on performance probation as  
 1160 well as offer assistance to other employees who request it.

1161 (f) Each ~~The~~ district school board shall provide training  
 1162 programs that are based upon guidelines provided by the  
 1163 Department of Education to ensure that all individuals with  
 1164 evaluation responsibilities understand the proper use of the  
 1165 appraisal ~~assessment~~ criteria and procedures.

1166 (g) The system must differentiate among four levels of  
 1167 performance: unsatisfactory, needs improvement, effective, and  
 1168 highly effective. The Commissioner of Education shall consult  
 1169 with performance pay experts and classroom teachers in  
 1170 developing the performance levels. Beginning with the 2014-2015  
 1171 school year and thereafter, instructional personnel and school-  
 1172 based administrators may not be rated as effective or highly  
 1173 effective if their students fail to demonstrate learning gains.

1174 (h) The system must include a process for monitoring the  
 1175 effective and consistent use of appraisal criteria by

1176 supervisors and administrators and a process for evaluating the  
 1177 effectiveness of the system itself in improving the level of  
 1178 instruction and learning in the district's schools.

1179 (3) The appraisal ~~assessment~~ procedure for instructional  
 1180 personnel and school administrators must be ~~primarily~~ based on  
 1181 the performance of students assigned to their classrooms or  
 1182 schools, as described in paragraph (a) ~~appropriate~~. Pursuant to  
 1183 ~~this section~~, A school district's performance appraisal  
 1184 ~~assessment~~ is not limited to basing unsatisfactory performance  
 1185 of instructional personnel and school administrators upon  
 1186 student performance, but may include other criteria approved to  
 1187 evaluate ~~assess~~ instructional personnel and school  
 1188 administrators' performance, or any combination of student  
 1189 performance and other approved criteria. The procedures must  
 1190 comply with, but are not limited to, the following requirements:

1191 (a) An appraisal ~~assessment~~ must be conducted for each  
 1192 employee at least once a year, except that an appraisal for each  
 1193 teacher, as described in s. 1012.22(1)(c)3., must be conducted  
 1194 at least twice a year. ~~The assessment must be based upon sound~~  
 1195 ~~educational principles and contemporary research in effective~~  
 1196 ~~educational practices. The assessment must primarily use data~~  
 1197 ~~and indicators of improvement in student performance assessed~~  
 1198 ~~annually as specified in s. 1008.22 and may consider results of~~  
 1199 ~~peer reviews in evaluating the employee's performance. Student~~  
 1200 ~~performance must be measured by state assessments required under~~  
 1201 ~~s. 1008.22 and by local assessments for subjects and grade~~  
 1202 ~~levels not measured by the state assessment program. The~~  
 1203 appraisal ~~assessment~~ criteria must include, but are not limited

1204 to, indicators that relate to the following:

1205 1. Performance of students.

1206 a. Beginning with the 2014-2015 school year and

1207 thereafter, for the classroom teacher, the learning gains of

1208 students assigned to the teacher must comprise more than 50

1209 percent of the determination of the classroom teacher's

1210 performance. Beginning with the 2014-2015 school year and

1211 thereafter, for instructional personnel who are not classroom

1212 teachers, the learning gains of students assigned to the school

1213 must comprise more than 50 percent of the determination of the

1214 individual's performance. A school district may use the learning

1215 gains of students assigned to the classroom teacher for the

1216 preceding 3 years or, for instructional personnel who are not

1217 classroom teachers, the learning gains of students assigned to

1218 the school for the preceding 3 years, to determine the

1219 individual's performance. For purposes of this sub-subparagraph,

1220 "school" means the school to which the instructional personnel

1221 who is not a classroom teacher was assigned for the last 3

1222 years. Student learning gains are measured by state assessments

1223 required under s. 1008.22, examinations in AP, IB, AICE, or a

1224 national industry certification identified in the Industry

1225 Certification Funding List pursuant to rules adopted by the

1226 State Board of Education, or district assessments for subject

1227 areas and grade levels as required under s. 1008.222.

1228 b. For instructional personnel, more than 50 percent of

1229 the determination of the individual's performance must be based

1230 on the performance of students assigned to their classrooms or

1231 schools, as appropriate. Student performance must be measured by

1232 state assessments required under s. 1008.22 and by local  
 1233 assessments for subjects and grade levels not measured by the  
 1234 state assessment program. This sub-subparagraph expires July 1,  
 1235 2014.

1236 2. Instructional practice. For instructional personnel,  
 1237 performance criteria must be based on the Florida Educator  
 1238 Accomplished Practices adopted by the State Board of Education  
 1239 by rule, which include:

1240 a. Ability to maintain appropriate discipline.

1241 ~~b.3. Knowledge of subject matter. The district school~~  
 1242 ~~board shall make special provisions for evaluating teachers who~~  
 1243 ~~are assigned to teach out of field.~~

1244 c.4. Ability to plan and deliver effective instruction and  
 1245 the effective use of technology in the classroom.

1246 d.5. Ability to use assessment data and other evidence of  
 1247 student learning to design and implement differentiated  
 1248 instructional strategies in order to meet individual student  
 1249 needs for remediation or acceleration ~~evaluate instructional~~  
 1250 ~~needs.~~

1251 e.6. Ability to establish and maintain a positive  
 1252 collaborative relationship with students' families to increase  
 1253 student achievement.

1254 f.7. Other professional competencies, responsibilities,  
 1255 and requirements as established by rules of the State Board of  
 1256 Education and policies of the district school board.

1257 3. Instructional leadership performance.

1258 a. Beginning with the 2014-2015 school year and  
 1259 thereafter, for a school-based administrator, the learning gains

1260 of students assigned to the school must comprise more than 50  
 1261 percent of the determination of the school-based administrator's  
 1262 performance. A school district may use the learning gains of  
 1263 students assigned to the school for the preceding 3 years to  
 1264 determine the school-based administrator's performance. For  
 1265 purposes of this sub-subparagraph, "school" means the school to  
 1266 which the administrator was assigned for the last 3 years.  
 1267 Student learning gains are measured by state assessments  
 1268 required under s. 1008.22, examinations in AP, IB, AICE, or a  
 1269 national industry certification identified in the Industry  
 1270 Certification Funding List pursuant to rules adopted by the  
 1271 State Board of Education, or district assessments for subject  
 1272 areas and grade levels as required under s. 1008.222.

1273 b. For school-based administrators, more than 50 percent  
 1274 of the determination of the individual's performance must be  
 1275 based on the performance of students assigned to their schools.  
 1276 Student performance must be measured by state assessments  
 1277 required under s. 1008.22 and by local assessments for subjects  
 1278 and grade levels not measured by the state assessment program.  
 1279 This sub-subparagraph expires July 1, 2014.

1280 4. Instructional leadership practice. For a school-based  
 1281 administrator, performance criteria must be based on the Florida  
 1282 Principal Leadership Standards adopted by the State Board of  
 1283 Education under s. 1012.986, which includes the ability to:

1284 a. Manage human, financial, and material resources so as  
 1285 to maximize the share of resources used for direct instruction,  
 1286 as opposed to overhead or other purposes; and

1287 b. Recruit and retain high-performing teachers.

1288 (b) All personnel must be fully informed of the criteria  
 1289 and procedures associated with the appraisal ~~assessment~~ process  
 1290 before the appraisal ~~assessment~~ takes place.

1291 (c) The individual responsible for supervising the  
 1292 employee must evaluate ~~assess~~ the employee's performance. The  
 1293 evaluator must submit a written report of the appraisal  
 1294 ~~assessment~~ to the district school superintendent for the purpose  
 1295 of reviewing the employee's contract. The evaluator must submit  
 1296 the written report to the employee no later than 10 days after  
 1297 the appraisal ~~assessment~~ takes place. The evaluator must discuss  
 1298 the written report of the appraisal ~~assessment~~ with the  
 1299 employee. The employee shall have the right to initiate a  
 1300 written response to the appraisal ~~assessment~~, and the response  
 1301 shall become a permanent attachment to his or her personnel  
 1302 file.

1303 (d) If an employee is not performing his or her duties in  
 1304 a satisfactory manner, the evaluator shall notify the employee  
 1305 in writing of such determination. The notice must describe such  
 1306 unsatisfactory performance and include notice of the following  
 1307 procedural requirements:

1308 1. Upon delivery of a notice of unsatisfactory  
 1309 performance, the evaluator must confer with the employee, make  
 1310 recommendations with respect to specific areas of unsatisfactory  
 1311 performance, and provide assistance in helping to correct  
 1312 deficiencies within a prescribed period of time.

1313 2.a. If the employee holds an annual contract as provided  
 1314 in s. 1012.335, and receives an unsatisfactory performance  
 1315 appraisal pursuant to the criteria in subparagraph (a)2., the

1316 employee may request a review of the appraisal by the district  
 1317 school superintendent or his or her designee. The district  
 1318 school superintendent may review the employee's appraisal.

1319 b. If the employee holds a professional service contract  
 1320 as provided in s. 1012.33, the employee shall be placed on  
 1321 performance probation and governed by the provisions of this  
 1322 section for 90 calendar days following the receipt of the notice  
 1323 of unsatisfactory performance to demonstrate corrective action.  
 1324 School holidays and school vacation periods are not counted when  
 1325 calculating the 90-calendar-day period. During the 90 calendar  
 1326 days, the employee who holds a professional service contract  
 1327 must be evaluated periodically and apprised of progress achieved  
 1328 and must be provided assistance and inservice training  
 1329 opportunities to help correct the noted performance  
 1330 deficiencies. At any time during the 90 calendar days, the  
 1331 employee who holds a professional service contract may request a  
 1332 transfer to another appropriate position with a different  
 1333 supervising administrator; however, a transfer does not extend  
 1334 the period for correcting performance deficiencies.

1335 ~~c.b.~~ Within 14 days after the close of the 90 calendar  
 1336 days, the evaluator must evaluate ~~assess~~ whether the performance  
 1337 deficiencies have been corrected and forward a recommendation to  
 1338 the district school superintendent. Within 14 days after  
 1339 receiving the evaluator's recommendation, the district school  
 1340 superintendent must notify the employee who holds a professional  
 1341 service contract in writing whether the performance deficiencies  
 1342 have been satisfactorily corrected and whether the district  
 1343 school superintendent will recommend that the district school



1344 board continue or terminate his or her employment contract. If  
 1345 the employee wishes to contest the district school  
 1346 superintendent's recommendation, the employee must, within 15  
 1347 days after receipt of the district school superintendent's  
 1348 recommendation, submit a written request for a hearing. The  
 1349 hearing shall be conducted at the district school board's  
 1350 election in accordance with one of the following procedures:

1351 (I) A direct hearing conducted by the district school  
 1352 board within 60 days after receipt of the written appeal. The  
 1353 hearing shall be conducted in accordance with the provisions of  
 1354 ss. 120.569 and 120.57. A majority vote of the membership of the  
 1355 district school board shall be required to sustain the district  
 1356 school superintendent's recommendation. The determination of the  
 1357 district school board shall be final as to the sufficiency or  
 1358 insufficiency of the grounds for termination of employment; or

1359 (II) A hearing conducted by an administrative law judge  
 1360 assigned by the Division of Administrative Hearings of the  
 1361 Department of Management Services. The hearing shall be  
 1362 conducted within 60 days after receipt of the written appeal in  
 1363 accordance with chapter 120. The recommendation of the  
 1364 administrative law judge shall be made to the district school  
 1365 board. A majority vote of the membership of the district school  
 1366 board shall be required to sustain or change the administrative  
 1367 law judge's recommendation. The determination of the district  
 1368 school board shall be final as to the sufficiency or  
 1369 insufficiency of the grounds for termination of employment.

1370 (4) The district school superintendent shall notify the  
 1371 department of any instructional personnel who receive two

1372 consecutive unsatisfactory evaluations and who have been given  
 1373 written notice by the district that their employment is being  
 1374 terminated or is not being renewed or that the district school  
 1375 board intends to terminate, or not renew, their employment. The  
 1376 department shall conduct an investigation to determine whether  
 1377 action shall be taken against the certificateholder pursuant to  
 1378 s. 1012.795(1)(c).

1379 (5) The district school superintendent shall develop a  
 1380 mechanism for evaluating the effective use of appraisal  
 1381 ~~assessment~~ criteria and evaluation procedures by administrators  
 1382 who are assigned responsibility for evaluating the performance  
 1383 of instructional personnel. The use of the appraisal ~~assessment~~  
 1384 and evaluation procedures shall be considered as part of the  
 1385 annual appraisal ~~assessment~~ of the administrator's performance.  
 1386 The system must include a mechanism to give parents and teachers  
 1387 an opportunity to provide input into the administrator's  
 1388 performance assessment, ~~when appropriate.~~

1389 (6) Nothing in this section shall be construed to grant a  
 1390 probationary employee a right to continued employment beyond the  
 1391 term of his or her contract.

1392 (7) The district school board shall establish a procedure  
 1393 annually reviewing instructional personnel appraisal ~~assessment~~  
 1394 systems to determine compliance with this section. All  
 1395 substantial revisions to an approved system must be reviewed and  
 1396 approved by the district school board before being used to  
 1397 evaluate ~~asses~~ instructional personnel. Upon request by a  
 1398 school district, the department shall provide assistance in  
 1399 developing, improving, or reviewing an appraisal ~~assessment~~

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1400 system.  
 1401 (8) The State Board of Education shall adopt rules  
 1402 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
 1403 guidelines for the submission, review, and approval of district  
 1404 procedures for the annual appraisal ~~assessment~~ of instructional  
 1405 personnel and school-based administrative personnel and that  
 1406 include the method of calculating rates of student learning tied  
 1407 to differentiated levels of performance as provided for in  
 1408 paragraph (2)(g) and criteria for evaluating professional  
 1409 performance.

1410 Section 29. Subsection (3) is added to section 1012.42,  
 1411 Florida Statutes, to read:

1412 1012.42 Teacher teaching out-of-field.—

1413 (3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011  
 1414 school year, a district school board shall not assign any  
 1415 beginning teacher to teach reading, science, or mathematics if  
 1416 he or she is not certified in reading, science, or mathematics.

1417 Section 30. Section 1012.52, Florida Statutes, is  
 1418 repealed.

1419 Section 31. Paragraph (c) of subsection (2), subsections  
 1420 (5), (6), and (7), paragraph (b) of subsection (9), and  
 1421 subsection (17) of section 1012.56, Florida Statutes, are  
 1422 amended to read:

1423 1012.56 Educator certification requirements.—

1424 (2) ELIGIBILITY CRITERIA.—To be eligible to seek  
 1425 certification, a person must:

1426 (c) Document receipt of a bachelor's or higher degree from  
 1427 an accredited institution of higher learning, or a nonaccredited

1428 institution of higher learning that the Department of Education  
 1429 has identified as having a quality program resulting in a  
 1430 bachelor's degree, or higher. Each applicant seeking initial  
 1431 certification must have attained at least a 2.5 overall grade  
 1432 point average on a 4.0 scale in the applicant's major field of  
 1433 study. The applicant may document the required education by  
 1434 submitting official transcripts from institutions of higher  
 1435 education or by authorizing the direct submission of such  
 1436 official transcripts through established electronic network  
 1437 systems. The bachelor's or higher degree may not be required in  
 1438 areas approved in rule by the State Board of Education as  
 1439 nondegreed areas. The State Board of Education may adopt rules  
 1440 that, for purposes of demonstrating completion of certification  
 1441 requirements specified in state board rule, allow for the  
 1442 acceptance of college course credits recommended by the American  
 1443 Council on Education (ACE), as posted on an official ACE  
 1444 transcript.

1445 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
 1446 demonstrating mastery of subject area knowledge are:

1447 (a) Achievement of passing scores on subject area  
 1448 examinations required by state board rule, which may include,  
 1449 but need not be limited to, world languages in Arabic, Chinese,  
 1450 Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,  
 1451 Italian, Japanese, Portuguese, Russian, and Spanish;

1452 (b) Completion of a bachelor's degree or higher and  
 1453 verification of the attainment of an oral proficiency interview  
 1454 score above the intermediate level and a written proficiency  
 1455 score above the intermediate level on a test administered by the

1456 American Council on the Teaching of Foreign Languages for which  
 1457 there is no Florida-developed examination;

1458 (c) Completion of the subject area specialization  
 1459 requirements specified in state board rule and verification of  
 1460 the attainment of the essential subject matter competencies by  
 1461 the district school superintendent of the employing school  
 1462 district or chief administrative officer of the employing state-  
 1463 supported or private school for a subject area for which a  
 1464 subject area examination has not been developed and required by  
 1465 state board rule;

1466 (d) Completion of the subject area specialization  
 1467 requirements specified in state board rule for a subject  
 1468 coverage requiring a master's or higher degree and achievement  
 1469 of a passing score on the subject area examination specified in  
 1470 state board rule;

1471 (e) A valid professional standard teaching certificate  
 1472 issued by another state and achievement of a passing score on  
 1473 the subject area examination specified in State Board of  
 1474 Education rule or by a full demonstration of mastery of his or  
 1475 her ability to teach the subject area for which he or she is  
 1476 seeking certification, as provided by rules of the State Board  
 1477 of Education; or

1478 (f) A valid certificate issued by the National Board for  
 1479 Professional Teaching Standards or a national educator  
 1480 credentialing board approved by the State Board of Education.

1481  
 1482 School districts are encouraged to provide mechanisms for those  
 1483 middle school teachers holding only a K-6 teaching certificate

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1484 to obtain a subject area coverage for middle grades through  
 1485 postsecondary coursework or district add-on certification.

1486 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
 1487 COMPETENCE.—Acceptable means of demonstrating mastery of  
 1488 professional preparation and education competence are:

1489 (a) Completion of an approved teacher preparation program  
 1490 at a postsecondary educational institution within this state and  
 1491 achievement of a passing score on the professional education  
 1492 competency examination required by state board rule;

1493 (b) Completion of a teacher preparation program at a  
 1494 postsecondary educational institution outside Florida and  
 1495 achievement of a passing score on the professional education  
 1496 competency examination required by state board rule;

1497 (c) A valid professional standard teaching certificate  
 1498 issued by another state;

1499 (d) A valid certificate issued by the National Board for  
 1500 Professional Teaching Standards or a national educator  
 1501 credentialing board approved by the State Board of Education;

1502 (e) Documentation of two semesters of successful teaching  
 1503 in a community college, state university, or private college or  
 1504 university that awards an associate or higher degree and is an  
 1505 accredited institution or an institution of higher education  
 1506 identified by the Department of Education as having a quality  
 1507 program;

1508 (f) Completion of professional preparation courses as  
 1509 specified in state board rule, successful completion of a  
 1510 professional education competence demonstration program pursuant  
 1511 to paragraph (8) (b), and achievement of a passing score on the

1512 professional education competency examination required by state  
 1513 board rule;

1514 (g) Successful completion of a professional preparation  
 1515 alternative certification and education competency program,  
 1516 outlined in paragraph (8) (a); ~~or~~

1517 (h) Successful completion of an alternative certification  
 1518 program pursuant to s. 1004.85 and achievement of a passing  
 1519 score on the professional education competency examination  
 1520 required by rule of the State Board of Education; or-

1521 (i) Successful completion of a professional education  
 1522 training program provided by Teach for America and achievement  
 1523 of a passing score on the professional education competency  
 1524 examination required by rule of the State Board of Education.

1525 (7) TYPES AND TERMS OF CERTIFICATION.—

1526 (a) The Department of Education shall issue a professional  
 1527 certificate for a period not to exceed 5 years to any applicant  
 1528 who meets all the requirements outlined in subsection (2).

1529 (b) The department shall issue a temporary certificate to  
 1530 any applicant who meets the following requirements:

1531 1. Completes the requirements outlined in paragraphs

1532 (2) (a) - (f); ~~and~~

1533 2.a. Completes the subject area content requirements  
 1534 specified in state board rule; or

1535 b. Demonstrates mastery of subject area knowledge pursuant  
 1536 to subsection (5); and

1537 3. Holds an accredited degree or a degree approved by the  
 1538 Department of Education at the level required for the subject  
 1539 area specialization in state board rule.

1540 (c) The department shall issue one nonrenewable 2-year  
 1541 temporary certificate and one nonrenewable 5-year professional  
 1542 certificate to a qualified applicant who holds a bachelor's  
 1543 degree in the area of speech-language impairment to allow for  
 1544 completion of a master's degree program in speech-language  
 1545 impairment.

1546  
 1547 Each temporary certificate is valid for 3 school fiscal years  
 1548 and is nonrenewable. However, the requirement in paragraphs  
 1549 ~~paragraph~~ (2) (g) and (h) must be met within 1 calendar year of  
 1550 the date of employment under the temporary certificate.

1551 Individuals who are employed under contract at the end of the 1  
 1552 calendar year time period may continue to be employed through  
 1553 the end of the school year in which they have been contracted. A  
 1554 school district shall not employ, or continue the employment of,  
 1555 an individual in a position for which a temporary certificate is  
 1556 required beyond this time period if the individual has not met  
 1557 the requirement of paragraph (2) (g) or paragraph (2) (h). The  
 1558 State Board of Education shall adopt rules to allow the  
 1559 department to extend the validity period of a temporary  
 1560 certificate for 2 years when the requirements for the  
 1561 professional certificate, not including the requirement in  
 1562 paragraph (2) (g) or paragraph (2) (h), were not completed due to  
 1563 the serious illness or injury of the applicant or other  
 1564 extraordinary extenuating circumstances. The department shall  
 1565 reissue the temporary certificate for 2 additional years upon  
 1566 approval by the Commissioner of Education. A written request for  
 1567 reissuance of the certificate shall be submitted by the district



1568 school superintendent, the governing authority of a university  
 1569 lab school, the governing authority of a state-supported school,  
 1570 or the governing authority of a private school.

1571 (9) EXAMINATIONS.—

1572 (b) The State Board of Education shall, by rule, specify  
 1573 the examination scores that are required for the issuance of a  
 1574 professional certificate and temporary certificate. Such rules  
 1575 must define generic subject area and reading instruction  
 1576 competencies and must establish uniform evaluation guidelines.  
 1577 The State Board of Education shall review the current subject  
 1578 area examinations and, if necessary, revise the passing scores  
 1579 and reading instruction pursuant to s. 1001.215 required for  
 1580 achieving certification in order to match expectations for  
 1581 teacher competency in each subject area.

1582 (17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—

1583 ~~Beginning with the 2003-2004 school year,~~ The Department of  
 1584 Education shall conduct a longitudinal study to compare  
 1585 performance of certificateholders who are employed in Florida  
 1586 school districts. The study shall compare ~~a sampling of~~  
 1587 educators who have qualified for a professional certificate  
 1588 ~~since July 1, 2002,~~ based on the following:

1589 (a) Graduation from a state-approved teacher preparation  
 1590 program.

1591 (b) Completion of a state-approved professional  
 1592 preparation and education competency program.

1593 (c) A valid standard teaching certificate issued by a  
 1594 state other than Florida.

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1596 The department comparisons shall be made to determine if there  
 1597 is any significant difference in the performance of these groups  
 1598 of teachers, as measured by their students' achievement levels  
 1599 and learning gains as measured by s. 1008.22.

1600 Section 32. Paragraph (b) of subsection (2) and subsection  
 1601 (5) of section 1012.585, Florida Statutes, are amended, and  
 1602 subsection (6) is added to that section, to read:

1603 1012.585 Process for renewal of professional  
 1604 certificates.—

1605 (2)

1606 (b) A teacher with national certification from the  
 1607 National Board for Professional Teaching Standards is deemed to  
 1608 meet state renewal requirements ~~for the life of the teacher's~~  
 1609 ~~national certificate~~ in the subject shown on the national  
 1610 certificate. A complete renewal application and fee shall be  
 1611 submitted. The Commissioner of Education shall notify teachers  
 1612 of the renewal application and fee requirements. This paragraph  
 1613 expires July 1, 2014.

1614 (5) The State Board of Education shall adopt rules to  
 1615 allow the reinstatement of expired professional certificates.  
 1616 The department may reinstate an expired professional certificate  
 1617 if the certificateholder:

1618 (a) Submits an application for reinstatement of the  
 1619 expired certificate.

1620 (b) Documents completion of 6 college credits during the 5  
 1621 years immediately preceding reinstatement of the expired  
 1622 certificate, completion of 120 inservice points, or a  
 1623 combination thereof, in an area specified in paragraph (3) (a).

1624 (c) Meets the requirements in subsection (6).

1625 (d)~~(e)~~ During the 5 years immediately preceding  
 1626 reinstatement of the certificate, achieves a passing score on  
 1627 the subject area test for each subject to be shown on the  
 1628 reinstated certificate.

1629  
 1630 The requirements of this subsection may not be satisfied by  
 1631 subject area tests or college credits completed for issuance of  
 1632 the certificate that has expired.

1633 (6) Beginning with the 2014-2015 school year, the  
 1634 requirements for the renewal of a professional certificate shall  
 1635 include documentation of effective or highly effective  
 1636 performance as demonstrated under s. 1012.34 for at least 4 of  
 1637 the preceding 5 years before the renewal certification is  
 1638 sought. The State Board of Education shall adopt rules to define  
 1639 the process for documenting effective performance under this  
 1640 subsection, including equivalent options for individuals who  
 1641 have not been evaluated under s. 1012.34. An individual's  
 1642 certificate shall expire if the individual is not able to  
 1643 demonstrate effective performance as required under this  
 1644 subsection and the rules of the state board. The individual may  
 1645 apply to reinstate his or her professional certificate under  
 1646 subsection (5).

1647 Section 33. Subsection (2) of section 1012.72, Florida  
 1648 Statutes, is amended to read:

1649 1012.72 Dale Hickam Excellent Teaching Program.—

1650 (2) The Dale Hickam Excellent Teaching Program is created  
 1651 to provide categorical funding for bonuses for teaching

1652 excellence. The bonuses may be provided for initial  
 1653 certification for up to one 10-year period for individuals  
 1654 holding NBPTS certification on July 1, 2010, and who remain  
 1655 continuously employed in a public school in this state or the  
 1656 Florida School for the Deaf and the Blind. The Department of  
 1657 Education shall distribute to each school district an amount as  
 1658 prescribed annually by the Legislature for the Dale Hickam  
 1659 Excellent Teaching Program. For purposes of this section, the  
 1660 Florida School for the Deaf and the Blind shall be considered a  
 1661 school district. Unless otherwise provided in the General  
 1662 Appropriations Act, each distribution shall be the sum of the  
 1663 amounts earned for the following:

1664 (a) 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 holds NBPTS certification and is employed by the  
 1668 district school board or by a public school within the school  
 1669 district. The district school board shall distribute the annual  
 1670 bonus to each individual who meets the requirements of this  
 1671 paragraph and who is certified annually by the district to have  
 1672 demonstrated satisfactory teaching performance pursuant to s.  
 1673 1012.34. The annual bonus may be paid as a single payment or  
 1674 divided into not more than three payments.

1675 (b) An annual bonus equal to 10 percent of the prior  
 1676 fiscal year's statewide average salary for classroom teachers to  
 1677 be distributed to the school district to be paid to each  
 1678 individual who meets the requirements of paragraph (a) and  
 1679 agrees, in writing, to provide the equivalent of 12 workdays of

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1680 mentoring and related services to public school teachers within  
 1681 the state who do not hold NBPTS certification. Related services  
 1682 must include instruction in helping teachers work more  
 1683 effectively with the families of their students. The district  
 1684 school board shall distribute the annual bonus in a single  
 1685 payment following the completion of all required mentoring and  
 1686 related services for the year. It is not the intent of the  
 1687 Legislature to remove excellent teachers from their assigned  
 1688 classrooms; therefore, credit may not be granted by a school  
 1689 district or public school for mentoring or related services  
 1690 provided during student contact time during the 196 days of  
 1691 required service for the school year.

1692 (c) The employer's share of social security and Medicare  
 1693 taxes for those teachers who receive bonus amounts under  
 1694 paragraph (a) or paragraph (b).

1695 Section 34. Subsection (1) of section 1012.79, Florida  
 1696 Statutes, is amended to read:

1697 1012.79 Education Practices Commission; organization.—

1698 (1) The Education Practices Commission consists of 25  
 1699 members, including 11 ~~8~~ teachers; 5 administrators, at least one  
 1700 of whom may ~~shall~~ represent a private school; 5 ~~7~~ lay citizens,  
 1701 3 ~~5~~ of whom shall be parents of public school students and who  
 1702 are unrelated to public school employees and 2 of whom shall be  
 1703 former district school board members; and 4 ~~5~~ sworn law  
 1704 enforcement officials, appointed by the State Board of Education  
 1705 from nominations by the Commissioner of Education and subject to  
 1706 Senate confirmation. Prior to making nominations, the  
 1707 commissioner shall consult with teaching associations, parent

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1708 organizations, law enforcement agencies, and other involved  
 1709 associations in the state. In making nominations, the  
 1710 commissioner shall attempt to achieve equal geographical  
 1711 representation, as closely as possible.

1712 (a) A teacher member, in order to be qualified for  
 1713 appointment:

- 1714 1. Must be certified to teach in the state.
- 1715 2. Must be a resident of the state.
- 1716 3. Must have practiced the profession ~~in this state~~ for at  
 1717 least 10 years, with at least 5 years of experience in this  
 1718 state immediately preceding the appointment.

1719 (b) A school administrator member, in order to be  
 1720 qualified for appointment:

- 1721 1. Must have an endorsement on the educator certificate in  
 1722 the area of school administration or supervision.
- 1723 2. Must be a resident of the state.
- 1724 3. Must have practiced the profession as an administrator  
 1725 for at least 5 years immediately preceding the appointment.

1726 (c) The lay members must be residents of the state.

1727 (d) The law enforcement official members must have served  
 1728 in the profession for at least 5 years immediately preceding  
 1729 appointment and have background expertise in child safety.

1730 Section 35. Paragraph (h) of subsection (1) of section  
 1731 1012.795, Florida Statutes, is amended to read:

1732 1012.795 Education Practices Commission; authority to  
 1733 discipline.-

1734 (1) The Education Practices Commission may suspend the  
 1735 educator certificate of any person as defined in s. 1012.01(2)

1736 or (3) for up to 5 years, thereby denying that person the right  
 1737 to teach or otherwise be employed by a district school board or  
 1738 public school in any capacity requiring direct contact with  
 1739 students for that period of time, after which the holder may  
 1740 return to teaching as provided in subsection (4); may revoke the  
 1741 educator certificate of any person, thereby denying that person  
 1742 the right to teach or otherwise be employed by a district school  
 1743 board or public school in any capacity requiring direct contact  
 1744 with students for up to 10 years, with reinstatement subject to  
 1745 the provisions of subsection (4); may revoke permanently the  
 1746 educator certificate of any person thereby denying that person  
 1747 the right to teach or otherwise be employed by a district school  
 1748 board or public school in any capacity requiring direct contact  
 1749 with students; may suspend the educator certificate, upon an  
 1750 order of the court or notice by the Department of Revenue  
 1751 relating to the payment of child support; or may impose any  
 1752 other penalty provided by law, if the person:

1753 (h) Has breached a contract, as provided in s. 1012.33(2)  
 1754 or s. 1012.335.

1755 Section 36. Review of teacher preparation program  
 1756 funding.—

1757 (1) The Department of Education, in collaboration with the  
 1758 Board of Governors, shall develop a methodology to determine the  
 1759 cost-effectiveness of the teacher preparation programs in ss.  
 1760 1004.04, 1004.85, and 1012.56(8), Florida Statutes. The  
 1761 methodology for determining program costs must use existing  
 1762 expenditure data, when available.

1763 (2) On or before December 1, 2011, the Department of

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1764 Education shall submit a report to the Governor, the President  
1765 of the Senate, and the Speaker of the House of Representatives  
1766 which:

1767 (a) Provides a methodology to evaluate the cost-  
1768 effectiveness of teacher preparation programs based on program  
1769 costs, program outcomes of student cohorts such as completion  
1770 rates, placement rates in teaching jobs, retention rates in the  
1771 classroom, and student achievement and learning gains of  
1772 students taught by graduates;

1773 (b) Uses the methodology developed to evaluate the cost-  
1774 effectiveness of the state's teacher preparation programs; and

1775 (c) Provides recommendations that would enhance the  
1776 Legislature's ability to consider the program's productivity  
1777 when allocating funds.

1778 (3) The Office of Program Policy Analysis and Government  
1779 Accountability shall review the current standards for the  
1780 continued approval of teacher preparation programs and make  
1781 recommendations to the Legislature on or before January 1, 2012,  
1782 for any needed changes. Such recommendations shall include  
1783 proposed changes to the allocation of any state funds to teacher  
1784 preparation programs and the students enrolled in these  
1785 programs.

1786 Section 37. (1) Any school district that received a grant  
1787 of at least \$75 million from a private foundation for the  
1788 purpose of improving the effectiveness of teachers within the  
1789 school district may seek an annual exemption from the State  
1790 Board of Education of ss. 1008.222 and 1011.626, Florida  
1791 Statutes, as created by this act, and the amendments to ss.



1792 1012.22 and 1012.34, Florida Statutes, made by this act.  
 1793 (2) To receive approval from the State Board of Education  
 1794 for an exemption under this section, a school district must  
 1795 demonstrate to the State Board of Education that it is  
 1796 implementing the following:  
 1797 (a) A teacher appraisal system that uses student  
 1798 performance as the single greatest component of the teacher's  
 1799 evaluation.  
 1800 (b) A teacher compensation system that awards salary  
 1801 increases based on sustained student performance.  
 1802 (c) A teacher contract system that awards contracts based  
 1803 on student performance.  
 1804 (3) The State Board of Education shall annually renew a  
 1805 school district's exemption if the school district provides a  
 1806 progress report that demonstrates that the school district  
 1807 continues to meet the requirements of subsection (2).  
 1808 (4) The State Board of Education shall adopt rules  
 1809 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
 1810 establish the procedures for applying for an exemption under  
 1811 this section.  
 1812 Section 38. If any provision of this act or its  
 1813 application to any person or circumstance is held invalid, the  
 1814 invalidity does not affect other provisions or applications of  
 1815 the act which can be given effect without the invalid provision  
 1816 or application, and to this end the provisions of this act are  
 1817 severable.  
 1818 Section 39. The amendment to s. 1012.33, Florida Statutes,  
 1819 made by this act shall apply to contracts newly entered into,

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1820 extended, or readopted on or after July 1, 2010, and to all  
1821 contracts on or after July 1, 2013.

1822 Section 40. Except as otherwise expressly provided in this  
1823 act, this act shall take effect July 1, 2010.