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# **K – 20 Competitiveness Subcommittee**

**Wednesday, February 23, 2011**

**10:15 AM – 4:00 PM**

**17 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Erik Fresen  
Chair**

**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

**Summary:**

**K-20 Competitiveness Subcommittee**

*Wednesday February 23, 2011 10:15 am*

PCB KCOS 11-01 Favorable With Amendments (4)

Yeas: 11 Nays: 4

**Committee meeting was reported out: Wednesday, February 23, 2011 5:24:52PM**

**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Erik Fresen (Chair)	X		
Janet Adkins	X		
Douglas Broxson	X		
Dwight Bullard	X		
Rachel V. Burgin	X		
Charles Chestnut IV	X		
Gwyndolen Clarke-Reed	X		
Marti Coley	X		
Richard Corcoran	X		
Daniel Davis	X		
Reggie Fullwood	X		
Jeanette Nufiez	X		
W. Keith Perry	X		
Betty Reed	X		
Carlos Trujillo	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

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**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

**PCB KCOS 11-01 : Education Personnel**

Favorable With Amendments (4)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins	X				
Douglas Broxson	X				
Dwight Bullard		X			
Rachel V. Burgin	X				
Charles Chestnut IV		X			
Gwyndolen Clarke-Reed		X			
Marti Coley	X				
Richard Corcoran	X				
Daniel Davis	X				
Reggie Fullwood			X		
Jeanette Nufiez	X				
W. Keith Perry	X				
Betty Reed		X			
Carlos Trujillo	X				
John Legg (Ex Officio)	X				
Erik Fresen (Chair)	X				
<b>Total Yeas: 11      Total Nays: 4</b>					

**Appearances:**

PCB KCOS 11-01

Ryan West, Director (Lobbyist) - Proponent  
 Florida Chamber of Commerce, Education & Economic Development  
 136 South Bronough Street  
 Tallahassee Florida 32301  
 Phone: (850)521-1251

PCB KCOS 11-01

Megan Allen, Teacher (General Public) - Opponent  
 7002 N. Duncan Ave.  
 Tampa Florida 33604  
 Phone: (813)748-1709

PCB KCOS 11-01

Shanna Fox, Teacher (State Employee) (General Public) - Opponent  
 1020 Sunshine Way SW  
 Winter Haven Florida 33880  
 Phone: (863)585-5694

PCB KCOS 11-01

Cathy Boehme, Science Teacher (General Public) - Information Only  
 4386 Pine Ville Circle  
 Pace Florida 32571  
 Phone: (850)602-3330

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**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

PCB KCOS 11-01

Patricia Levesque, Executive Director (Lobbyist) - Proponent

Foundation for Florida's Future  
215 S. Monroe Street, Suite 130  
Tallahassee FL 32301  
Phone: (850)391-3070

PCB KCOS 11-01

Pamela Burtnett, Education Specialist (General Public) - Opponent

Florida Education Association  
741 E. 8th Ave.  
Mt. Dora Florida 32757  
Phone: (352)383-8240

PCB KCOS 11-01

Rhonda Lochiatto, Teacher (General Public) - Proponent

1784 Concert Rd.  
Deltona Florida 32738  
Phone: (407)739-5875

PCB KCOS 11-01

Gail Rager, Vice President (General Public) - Opponent

Lake County Education Association  
1311 Lee Ct  
Leesburg Florida 34748  
Phone: (352)787-2050

PCB KSOC 11-01

Savahna Nilsen, Teacher (General Public) - Proponent

7501 E. Treasure Dr. #4P  
North Bay Village Florida 33141  
Phone: (786)664-7282

PCB KCOS 11-01

Rose Sedely, Program Specialist - Teacher (General Public) - Opponent

Lake County School District  
311 S. Exeter Street  
Eustis Florida  
Phone: (352)357-2733

PCB KCOS 11-01

Matthew Minnick, Law Student (General Public) - Proponent

2626 E. Park Ave. Apt 8208  
Tallahassee Florida 32301  
Phone: (850)933-8809

PCB KCOS 11-01

Polly Burkhart, Teacher Coach (General Public) - Opponent

Polk County Teachers  
304 S. Lake Mariam Dr.  
Winter Haven Florida 33884  
Phone: (863)206-6733

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**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

PCB KCOS 11-01

Elizabeth Muller (General Public) - Proponent

2626 E. Park Ave.

Tallahassee Florida 32301

Phone: (407)257-5196

PCB KCOS 11-01

Mike Rydlih, Teacher (State Employee) - Opponent

9601-68 Miccosukee Rd.

Tallahassee Florida 32309

Phone: (850)877-5084

PCB KCOS 11-01

Ximema Hartsoik, Director of Outreach (General Public) - Proponent

Student First

2100 Lee Highway #309

Arlington Florida 22201

PCB KCOS 11-01

Chris Ott, Teacher (General Public) - Opponent

2436 NE 28 PL

Gainesville Florida 32605

Phone: (352)371-6926

PCB KCOS 11-01

Beverly C. Kurak, Teacher (General Public) - Opponent

Nassau Teachers' Association

P. O. Box 15940

Fernandina Beach Florida 32035

Phone: (904)219-3134

PCB KCOS 11-01

Timothy Farmer, Former Teacher (General Public) - Proponent

1728 Naldo Ave #1

Jacksonville Florida

Phone: (904)860-7554

PCB KCOS 11-01

Marshall Ogletree, Executive Director (Lobbyist) - Opponent

Pinellas Classroom Teachers Association

650 Seminole Blvd.

Largo Florida 33770

Phone: (727)585-6518

PCB KCOS 11-01

Melissa Stokes, Teacher (General Public) - Proponent

371767 Henry Smith Rd.

Hilliard Florida 32046

Phone: (904)349-1416

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**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

PCB KCOS 11-01

Scott Whittle (General Public) - Opponent

2904 Gallahadion

Tallahassee Florida 32309

Phone: (850)893-3134

PCB KCOS 11-01

Natalie Faucher, Teacher (General Public) - Opponent

Nassau County Teacher Association

32403 Pond Parke Place

Fernandina Beach Florida 32034

Phone: (904)813-4910

PCB KCOS 11-01

Mary Ellen Elia, Superintendent, Hillsborough County (General Public) - Information Only

Hillsborough County Public Schools

901 E. Kennedy Blvd.

Tampa Florida 33601

Phone: (813)272-4050

PCB KCOS 11-01

Victoria Young, Student (General Public) - Proponent

FSU P. O. Box 65428

Tallahassee Florida 32313

Phone: (850)284-0780

**Committee meeting was reported out: Wednesday, February 23, 2011 5:24:52PM**

**COMMITTEE MEETING REPORT**  
**K-20 Competitiveness Subcommittee**

**2/23/2011 10:15:00AM**

**Location:** Morris Hall (17 HOB)

**Other Business Appearance:**

Department of Education Presentation on Educator Employment Contracts

Judy Bone (State Employee) (At Request Of Chair) - Information Only

Department of Education-Office of General Counsel

325 W. Gaines Street

Tallahassee Florida 32399

Phone: (850)245-0442

Department of Education Presentation on Florida's Race to the Top

Dr. Frances Haithcock, Chancellor (Lobbyist) (State Employee) (At Request Of Chair) - Information Only

Department of Education, Division of Public Schools

325 W. Gaines Street

Tallahassee Florida 32399

Phone: (850)245-0509

Department of Education Presentation on Value Added Model

Juan Copa (State Employee) (At Request Of Chair) - Information Only

Department of Education-Division of Public Schools

325 W. Gaines Street

Tallahassee FL 32399

Phone: 850-245-0744

Committee meeting was reported out: Wednesday, February 23, 2011 5:24:52PM



SUBCOMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 1

SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

**ADOPTED**  
2-23-11

1 Subcommittee hearing PCB: K-20 Competitiveness Subcommittee  
 2 Representative(s) Fresen offered the following:

**Amendment**

Remove lines 733-735 and insert:

3  
 4  
 5  
 6 3. Has not received two consecutive annual performance  
 7 evaluation ratings of unsatisfactory, two annual performance  
 8 evaluation ratings of unsatisfactory within a 3-year period, or  
 9 three consecutive annual performance evaluation ratings of needs  
 10 improvement or a combination of needs improvement and  
 11 unsatisfactory under s. 1012.34.  
 12

Amendment No. 2

SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

**ADOPTED**  
2-23-11

1 Subcommittee hearing PCB: K-20 Competitiveness Subcommittee  
 2 Representative(s) Fresen offered the following:

**Amendment**

Remove lines 869-875 and insert:

(5) REPORT.—

7 (a) Beginning July 1, 2012, the Department of Education  
 8 shall annually report on its website, in a manner that is  
 9 accessible to the public, the performance rating data reported  
 10 by district school boards under s. 1012.34. The report must  
 11 include the percentage of classroom teachers, instructional  
 12 personnel, and school administrators receiving each performance  
 13 rating aggregated by school district and by school.

14 (b) Notwithstanding the provisions of s. 1012.31(3)(a)2.,  
 15 each school district shall annually report to the parent of any  
 16 student who is assigned to a classroom teacher or school  
 17 administrator having two consecutive annual performance  
 18 evaluation ratings of unsatisfactory under s. 1012.34, two  
 19 annual performance evaluation ratings of unsatisfactory within a

SUBCOMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 2

20 3-year period under s. 1012.34, or three consecutive annual  
21 performance evaluation ratings of needs improvement or a  
22 combination of needs improvement and unsatisfactory under s.  
23 1012.34. Schools

SUBCOMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 3

SUBCOMMITTEE ACTION

ADOPTED  (Y/N)

ADOPTED AS AMENDED  (Y/N)

ADOPTED W/O OBJECTION  (Y/N)

FAILED TO ADOPT  (Y/N)

WITHDRAWN  (Y/N)

OTHER \_\_\_\_\_

**ADOPTED**  
2-23-11

1 Subcommittee hearing PCB: K-20 Competitiveness Subcommittee  
 2 Representative(s) Fresen offered the following:

**Amendment**

Remove lines 955-958 and insert:

6 misconduct in office, incompetency, two consecutive annual  
 7 performance evaluation ratings of unsatisfactory under s.  
 8 1012.34, two annual performance evaluation ratings of  
 9 unsatisfactory within a 3-year period under s. 1012.34, three  
 10 consecutive annual performance evaluation ratings of needs  
 11 improvement or a combination of needs improvement and  
 12 unsatisfactory under s. 1012.34, gross insubordination, willful  
 13 neglect

Amendment No. 4

SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

**ADOPTED**  
2-23-11

1 Subcommittee hearing PCB: K-20 Competitiveness Subcommittee  
2 Representative(s) Fresen offered the following:

**Amendment**

5 Remove lines 1003-1007 and insert:

6 (d)~~(e)~~ A professional service contract shall be renewed each  
7 year unless:

8 1. The district school superintendent, after receiving the  
9 recommendations required by s. 1012.34, charges the employee  
10 with unsatisfactory performance and notifies the employee of  
11 performance deficiencies as required by s. 1012.34; or

12 2. The employee receives two consecutive annual  
13 performance evaluation ratings of unsatisfactory under s.  
14 1012.34, two annual performance evaluation ratings of  
15 unsatisfactory within a 3-year period under s. 1012.34, or three  
16 consecutive annual performance evaluation ratings of needs  
17 improvement or a combination of needs improvement and  
18 unsatisfactory under s. 1012.34.

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 5

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing PCB: K-20 Competitiveness  
 2 Subcommittee  
 3 Representative Bullard offered the following:

**Amendment**

Remove lines 713-735 and insert:

4  
 5  
 6  
 7 (d) "Professional performance contract" means an  
 8 employment contract for instructional personnel for a period of  
 9 3 school years, which shall be renewed for additional 3-year  
 10 periods as long as the individual has not received two  
 11 consecutive unsatisfactory evaluations under s. 1012.34, two  
 12 unsatisfactory evaluations within a 3-year period under s.  
 13 1012.34, or three evaluations of needs improvement within any 5-  
 14 year period under s. 1012.34.

(2) EMPLOYMENT—

15  
 16 (a) Beginning on July 1, 1011, each individual newly hired  
 17 as instructional personnel by a Florida school district shall  
 18 receive a probationary contract.

19 (b) The district school board may issue an annual contract

Amendment No. 5

20 to instructional personnel who have successfully completed the  
21 probationary contract if the individual:

22 1. Holds a professional certificate or temporary  
23 certificate issued pursuant to s. 1012.56 and rules of the State  
24 Board of Education.

25 2. Has been recommended by the district school  
26 superintendent for the annual contract based upon the  
27 individual's evaluation, as determined under s. 1012.34, and  
28 approved by the district school board.

29 (c) Upon completion of no less than 3 years of employment  
30 in the same school district within a 5-year period, except for  
31 leave duly authorized and granted, instructional personnel  
32 recommended for additional employment shall be awarded a  
33 professional performance contract. Instructional personnel may  
34 be required to serve a fourth year of employment before becoming  
35 eligible to receive a professional performance contract when  
36 prescribed by the district school board for good reason.

37 1. A professional performance contract may be offered by a  
38 district school board to instructional personnel only if the  
39 individual:

40 a. Holds a professional certificate or temporary  
41 certificate as prescribed by s. 1012.56 and rules of the State  
42 Board of Education.

43 b. Has been recommended by the district school  
44 superintendent for further employment and approved by the  
45 district school board based on successful performance of duties  
46 and demonstration of professional competence under s. 1012.34.

47 c. Has not received two consecutive unsatisfactory

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 5

48 evaluations under s. 1012.34, two unsatisfactory evaluations  
49 within a 3-year period under s. 1012.34, or three evaluations of  
50 needs improvement within any 5-year period under s. 1012.34.

51 2. A district school board may issue a professional  
52 performance contract after July 1, 2011, to any instructional  
53 personnel staff member who has previously held a professional  
54 performance contract, a professional service contract, or a  
55 continuing contract in the same or another school district  
56 within this state. Any instructional personnel staff member who  
57 holds a professional service contract or a continuing contract  
58 may, but is not required to, exchange such contract for a  
59 professional performance contract in the same district.

60 3. If a professional performance contract is not renewed  
61 by the district school board based on performance of duties and  
62 demonstration of professional competence of the individual under  
63 s. 1012.34, upon the recommendation of the superintendent and  
64 upon the approval of the district school board, the individual  
65 may be appointed to up to three additional annual contracts or  
66 not be offered an additional contract. At the time of making  
67 such recommendation to the district school board, the  
68 superintendent shall state the performance-based reason for his  
69 or her recommendation and the district school board shall take  
70 final action on such recommendation.



COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 6

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing PCB: K-20 Competitiveness  
 2 Subcommittee

3 Representative Bullard offered the following:

**Amendment (with title amendment)**

Between lines 1142 and 1143, insert:

7 Section 16. Notwithstanding any other provision of law to  
 8 the contrary, a teacher who maintains a highly effective rating  
 9 through the instructional personnel performance evaluation  
 10 system during 3 years out of a 4-year period shall receive a  
 11 professional service contract for 5 years. A teacher who  
 12 maintains an effective rating through the instructional  
 13 personnel performance evaluation system during 2 years out of a  
 14 3-year period shall receive a professional service contract for  
 15 3 years.

18 -----  
 19 **T I T L E A M E N D M E N T**

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB KCOS 11-01 (2011)

Amendment No. 6

20 Remove line 59 and insert:  
21 the act; providing that teachers receiving certain performance  
22 evaluations shall receive a professional service contract;  
23 authorizing exemption from requirements for



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# **K – 20 Competitiveness Subcommittee**

**Wednesday, February 23, 2011**

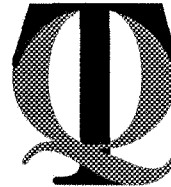
**10:15 AM – 4:00 PM**

**17 HOB**

## **Amended Action Packet**

**Dean Cannon  
Speaker**

**Erik Fresen  
Chair**



February 21, 2011

The Honorable Mike Haridopolos, President  
The Florida Senate  
409 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100

The Honorable Dean Cannon, Speaker  
Florida House of Representatives  
420 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

Dear President Haridopolos and Speaker Cannon:

All students can learn.

The success of Sunshine State students during a decade of high expectations has busted the myth that race, poverty and challenging home lives are acceptable excuses for a lack of learning in the classroom. Florida is one of just three states in the nation to be recognized by the U.S. Department of Education for significantly narrowing the achievement gap for minority and poor students.

According to the National Assessment for Educational Progress, Florida's Hispanic fourth grade students read as well or better than the average student in 31 states and the District of Columbia and Florida's African American students read as well or better than the average student in eight states. Florida's Hispanic and African American students lead the nation in taking and passing Advance Placement exams.

February 21, 2011

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Had Florida established a lower standard of learning for poor students a decade ago, millions of students would be languishing from the soft bigotry of low expectations and Florida would not be leading the nation in rising academic achievement today.

Like students, Florida must hold all teachers to the same high expectations. A year's worth of learning should be defined based on how much a student learned during the year - not their family income or their race. Efforts to lower the standard for teachers of poor and minority students will doom the very students that need the greatest support in school. We do believe value-added models should be adjusted for the student's prior performance level. As you consider teacher quality legislation this session, we specifically request the Commissioner of Education not be allowed to create separate expectations for student growth based upon gender, race, ethnicity, or parents' salary level.

More than a decade ago, principled leadership in the face of fierce opposition led to a renaissance in Florida's public schools - and millions of students continue to reap the benefits. Establishing the same high expectations for educators who are teaching poor children will end the cruel cycle of poverty for millions of students. Closing the achievement gap once and for all will take the same type of principled leadership.

Sincerely,

Jeb Bush, Governor of Florida 1999-2007

Patricia Levesque, Foundation for Florida's Future

Barney Bishop, Associated Industries of Florida

Braulio Colon, ENLACE Florida

Dr. AK Desai, Florida State Board of Education

Jonah Edelman, Stand for Children

T. Willard Fair, chair, Florida State Board of Education

Julio Fuentes, Florida State Hispanic Chamber & HCREO

Phil Handy, former chairman of the Florida State Board of Education

David Hart, Florida Chamber of Commerce

Mark Kaplan, Florida State Board of Education

Lisa Graham Keegan, Education Breakthrough Network

Marc Porter Magee, 50CAN (50-State Campaign for Achievement Now)

Roberto Martinez, Florida State Board of Education

February 21, 2011

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John Padget, Florida State Board of Education

Eric Smith, Florida Commissioner of Education

Kate Walsh, National Council on Teacher Quality

Joe Williams, Democrats for Education Reform

Ellen Winn, 50CAN & Education Equality Project

John Winn, former Florida Commissioner of Education

Brian Yablonski, Foundation for Florida's Future

cc: Governor Rick Scott

Sen. Steve Wise

Rep. Bill Proctor

Rep. Erik Fresen