



K - 12
Subcommittee
Wednesday, December 2, 2015
9:00 A.M. – 11:00 A.M.
Morris Hall (17 HOB)

Meeting Packet

Steve Crisafulli
Speaker

Janet Adkins
Chair





AGENDA

K-12 Subcommittee
Wednesday, December 2, 2015
9:00 A.M. – 11:00 A.M.
Morris Hall (17 HOB)

- I. Call to Order/Roll Call
- II. Welcome/Opening Remarks
- III. Consideration of the following proposed committee substitute(s):
 - PCS for HB 443 -- Advanced International Certificate of Education Funding
 - PCS for HB 189 – Teacher Certification
 - PCS for HB 229 -- Bullying and Harassment Policies in Schools
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 443 Advanced International Certificate of Education Funding
SPONSOR(S): K-12 Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Brink 	Fudge 

SUMMARY ANALYSIS

Florida law provides additional funding for schools with students who earn qualifying scores on Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) examinations. In addition, teachers who teach AP, IB, or AICE courses must receive bonuses based on the number of their students who earn qualifying scores on these examinations. However, the provisions related to weighted funding and teacher bonuses for AICE programs are not consistent with certain AP and IB requirements.

To make the AICE funding and teacher bonus provisions more consistent with AP and IB requirements, the proposed committee substitute (PCS):

- Requires school districts to allocate 80 percent of the additional funds to the school program whose students generate the funds;
- Establishes restrictions on how the funds may be spent;
- Requires the remaining 20 percent of the funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increases the maximum AICE teacher bonus to \$3,000.

The PCS does not appear to have a fiscal impact on the state or local governments.

The PCS takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Funding for Public Schools

The Legislature allocates public education funding to Florida's 67 school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that uses such factors as student population, local property tax bases, varying costs of living, and varying costs of equivalent education programs due to scarcity and dispersion of the student population to determine a school district's share of public education funding. The FEFP is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.¹

In addition to funding school district operating costs, the FEFP also provides, among other things, weighted full-time equivalent (FTE) funding based on student passage of International Baccalaureate (IB), Advanced Placement (AP), and Advanced International Certificate of Education (AICE) assessments. The FEFP also provides bonuses to teachers of IB, AP, and AICE courses whose students pass the respective examinations.²

Weighted Funding for Advanced Courses

The law requires that an additional 0.16 FTE student membership value be calculated for each student in an AP, IB, or AICE course who earns a qualifying score on the respective examination.³ For AP examinations, the qualifying score is a 3 or higher;⁴ for IB examinations, the qualifying score is a 4 or higher;⁵ and for AICE examinations, the qualifying score is E or higher.⁶ Students enrolled in a half-credit AICE course who receive a score of E or higher on the subject examination generate an additional value of 0.08 FTE student membership.⁷ An additional value of 0.3 FTE student membership must be calculated for each student who earns an IB or AICE diploma.⁸

With respect to AP and IB programs, the law restricts how the additional funds must be spent. In each case, school districts must allocate at least 80 percent of the funds back to the school program whose students generated the weighted FTE value.⁹ For IB programs, the remaining amount must be used for programs that assist academically disadvantaged students to prepare for more rigorous courses. In addition, IB funds must be expended solely for the payment of allowable costs associated with the program. Allowable costs include:

- IB annual school fees;
- IB examination fees; salary, benefits, and bonuses for teachers and program coordinators for the IB program and teachers and coordinators who prepare prospective students for the International Baccalaureate program;

¹ See s. 1011.62, F.S.

² Section 1011.62(1)(l)-(n), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Nov. 19, 2015); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Nov. 19, 2015); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Nov. 19, 2015).

³ Section 1011.62(1)(l)-(n), F.S.

⁴ Section 1011.62(1)(n), F.S.

⁵ Section 1011.62(1)(l), F.S.

⁶ Section 1011.62(1)(m), F.S.

⁷ *Id.*

⁸ Section 1011.62(1)(l) and (m), F.S.

⁹ Section 1011.62(1)(l) and (n), F.S.

- Supplemental books;
- Instructional supplies;
- Instructional equipment or instructional materials for IB courses;
- Other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and
- Training or professional development for International Baccalaureate teachers.¹⁰

With respect to AICE, there is no direction or restriction in law on how the additional funds must be used. This means that funds generated by a school's AICE students may be allocated for purposes other than funding the AICE program.

Bonuses for Teachers of Advanced Courses

School districts must pay the teacher of an AP, IB, or AICE course a \$50 bonus for each of his or her students who earn a qualifying score on the respective examination.¹¹ Further, an AP, IB, or AICE teacher in a "D" or "F" school, who has at least one student that earns a qualifying score, receives an additional \$500 bonus.¹² The bonus for an AICE teacher is limited to \$250 if the student is enrolled in a half-credit AICE course.¹³

Generally, the maximum bonus for these teachers is \$2,000 in any given school year.¹⁴ However, for AP and IB teachers only, the maximum bonus may be \$3,000 if, in a school designated with a grade of "A," "B," or "C," at least 50 percent of the students enrolled in the teacher's course earn a qualifying score on the examination or if, in a school designated with a grade of "D" or "F," at least 25 percent of the students enrolled in the teacher's course earn a qualifying score.¹⁵ The bonus for AICE teachers may not exceed \$2,000.¹⁶

Effect of Proposed Changes

To make the AICE funding and teacher bonus provisions more consistent with the AP and IB requirements, the proposed committee substitute (PCS):

- Requires school districts to allocate 80 percent of the additional funds to the school program whose students generate the funds;
- Establishes restrictions on how the funds may be spent for the program;
- Requires the remaining 20 percent of the funds to be used for programs that assist academically disadvantaged students to prepare for more rigorous courses; and
- Increases the maximum AICE teacher bonus to \$3,000.

As with AP and IB bonuses, if at least 50 percent of the students enrolled in a teacher's AICE course at an "A," "B," or "C" school earn a score of E or higher on the subject examination, the teacher must receive an additional bonus of \$50 for each student who has a qualifying score up to a maximum amount of \$3,000 in any given school year. The percentage threshold at a "D" or "F" school is 25 percent.

¹⁰ Section 1011.62(1)(i), F.S.

¹¹ Section 1011.62(1)(l)-(n), F.S.

¹² *Id.*

¹³ Section 1011.62(1)(m), F.S.

¹⁴ Section 1011.62(1)(l)-(n), F.S.

¹⁵ Section 101.62(1)(l) and (n), F.S.

¹⁶ See s. 1011.62(1)(m), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 1011.62, F.S., providing requirements related to the use of certain funds; providing bonuses for Advanced International Certificate of Education teachers; authorizing a maximum bonus of \$3,000 for such teachers under certain circumstances.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Under the PCS, school districts may be required to allocate a greater percentage of funds generated by AICE programs for teacher bonuses. This may reduce the funds available for other authorized program expenditures.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to Advanced International Certificate
 3 of Education funding; amending s. 1011.62, F.S.;
 4 providing requirements related to the allocation and
 5 use of certain funds; authorizing a maximum bonus of
 6 \$3,000 for Advanced International Certificate of
 7 Education teachers under certain circumstances;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (m) of subsection (1) of section
 13 1011.62, Florida Statutes, is amended to read:

14 1011.62 Funds for operation of schools.—If the annual
 15 allocation from the Florida Education Finance Program to each
 16 district for operation of schools is not determined in the
 17 annual appropriations act or the substantive bill implementing
 18 the annual appropriations act, it shall be determined as
 19 follows:

20 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 21 OPERATION.—The following procedure shall be followed in
 22 determining the annual allocation to each district for
 23 operation:

24 (m) Calculation of additional full-time equivalent
 25 membership based on Advanced International Certificate of
 26 Education examination scores of students.—A value of 0.16 full-

27 time equivalent student membership shall be calculated for each
 28 student enrolled in a full-credit Advanced International
 29 Certificate of Education course who receives a score of E or
 30 higher on a subject examination. A value of 0.08 full-time
 31 equivalent student membership shall be calculated for each
 32 student enrolled in a half-credit Advanced International
 33 Certificate of Education course who receives a score of E or
 34 higher on a subject examination. A value of 0.3 full-time
 35 equivalent student membership shall be calculated for each
 36 student who receives an Advanced International Certificate of
 37 Education diploma. Such value shall be added to the total full-
 38 time equivalent student membership in basic programs for grades
 39 9 through 12 in the subsequent fiscal year. Each school district
 40 shall allocate 80 percent of the funds received from Advanced
 41 International Certificate of Education bonus FTE funding to the
 42 school program whose students generate the funds. These funds
 43 shall be expended solely for the payment of costs associated
 44 with the application and registration process; program fees and
 45 site licenses; training, professional development, salaries,
 46 benefits, and bonuses for instructional personnel and program
 47 coordinators; examination and diploma fees; membership fees;
 48 supplemental books; instructional supplies, materials, and
 49 equipment; and other activities that identify prospective
 50 Advanced International Certificate of Education students or
 51 prepare prospective students to enroll in Advanced International
 52 Certificate of Education courses. The school district shall

53 allocate the remaining 20 percent of the funds received from
 54 Advanced International Certificate of Education bonus FTE
 55 funding for programs that assist academically disadvantaged
 56 students to prepare for more rigorous courses. The school
 57 district shall distribute to each classroom teacher who provided
 58 Advanced International Certificate of Education instruction:

59 1. A bonus in the amount of \$50 for each student taught by
 60 the Advanced International Certificate of Education teacher in
 61 each full-credit Advanced International Certificate of Education
 62 course who receives a score of E or higher on the Advanced
 63 International Certificate of Education examination.

64 2. A bonus in the amount of \$25 for each student taught by
 65 the Advanced International Certificate of Education teacher in
 66 each half-credit Advanced International Certificate of Education
 67 course who receives a score of E or higher on the Advanced
 68 International Certificate of Education examination.

69 ~~3.2.~~ An additional bonus of \$500 to each Advanced
 70 International Certificate of Education teacher in a school
 71 designated with a grade of "D" or "F" who has at least one
 72 student scoring E or higher on the full-credit Advanced
 73 International Certificate of Education examination, regardless
 74 of the number of classes taught or of the number of students
 75 scoring an E or higher on the full-credit Advanced International
 76 Certificate of Education examination.

77 ~~4.3.~~ Additional bonuses of \$250 each to teachers of half-
 78 credit Advanced International Certificate of Education classes

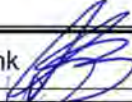

79 | in a school designated with a grade of "D" or "F" who have ~~which~~
 80 | ~~has~~ at least one student scoring an E or higher on the half-
 81 | credit Advanced International Certificate of Education
 82 | examination in that class. The maximum additional bonus for a
 83 | teacher awarded in accordance with this subparagraph shall not
 84 | exceed \$500 in any given school year. Teachers receiving an
 85 | award under subparagraph 3. ~~2.~~ are not eligible for a bonus
 86 | under this subparagraph.

87 |
 88 | Bonuses awarded to a teacher according to this paragraph shall
 89 | not exceed \$2,000 in any given school year and shall be in
 90 | addition to any regular wage or other bonus the teacher received
 91 | or is scheduled to receive. However, the maximum bonus shall be
 92 | \$3,000 if at least 50 percent of the students enrolled in a
 93 | teacher's Advanced International Certificate of Education course
 94 | at a school that received a school grade of "A," "B," or "C"
 95 | earn a score of E or higher on a subject examination or if at
 96 | least 25 percent of the students enrolled in a teacher's
 97 | Advanced International Certificate of Education course at a
 98 | school that received a school grade of "D" or "F" earn a score
 99 | of E or higher on a subject examination. For such courses, the
 100 | teacher shall earn an additional bonus of \$50 for each student
 101 | who has a qualifying score up to the maximum of \$3,000 in any
 102 | given school year.

103 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 189 Teacher Certification
SPONSOR(S): K-12 Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Brink 	Fudge 

SUMMARY ANALYSIS

An expert in the field who meets general educator certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary certificates expire after three years and are nonrenewable. While serving as a classroom teacher, temporary certificate holders may pursue a professional educator certificate, which lasts for five years and is renewable, by completing at least 15 hours of additional coursework and participating in on-the-job training. This requirement applies even if the teacher has proven to be highly effective.

Temporary certificate holders with a master's degree or higher in STEM fields (science, technology, engineering, and mathematics), even if rated highly effective, must still complete at least 15 hours of additional coursework within three years to earn a professional certificate.

To make a professional certificate more attainable for individuals with expertise in STEM fields, the bill allows an individual to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.¹ Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.² The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”³

The department issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.⁴ The professional certificate is valid for five years and is renewable.⁵
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.⁶ The temporary certificate is valid for three years and is nonrenewable.⁷
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.⁸

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁹

To be eligible for an educator certificate, a person must:¹⁰

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning¹¹ or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor's or higher degree,¹²

¹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

² Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

³ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴ Rule 6A-4.004(2), F.A.C.

⁵ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year).

⁶ Rule 6A-4.004(1)(a)2., F.A.C.

⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C.

⁸ Section 1012.55(2), F.S.

⁹ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

¹⁰ Section 1012.56(2)(a)-(f), F.S.

¹¹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); see also 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Nov. 23, 2015) (list of accrediting agencies approved by the U.S. Department of Education).

- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.¹³

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;¹⁴
- Demonstrate mastery of general knowledge;¹⁵
- Demonstrate mastery of subject area knowledge;¹⁶ and
- Demonstrate mastery of professional preparation and education competence.¹⁷

To receive a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;¹⁸
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a department-approved professional education competence demonstration program;¹⁹ and
- Do one of the following:
 - Demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);²⁰ or
 - Complete the required degree or content courses specified in state board rule for subject area specialization²¹ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.²²

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.²³ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.²⁴

¹² Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹³ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

¹⁴ Section 1012.56(2)(a)-(f), F.S.

¹⁵ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Nov. 23, 2015).

¹⁶ Section 1012.56(2)(h) and (5), F.S.

¹⁷ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Nov. 23, 2015).

¹⁸ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹⁹ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

²⁰ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited Nov. 23, 2015).

²¹ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

²² Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, http://www.fldoe.org/edcert/cert_types.asp (last visited Nov. 23, 2015).

²³ Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

²⁴ *Id.*

Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the General Knowledge Test²⁵ or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination (GRE)).²⁶

Mastery of subject area knowledge may be demonstrated by earning a qualifying bachelor's or higher degree and passing the Florida-developed subject area examination specified in state board rule²⁷ or, if a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule. An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.²⁸

Mastery of professional preparation and education competence is typically demonstrated by successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida, or a teacher preparation program from an out-of-state accredited or department-approved institution, and achieving a passing score on the Professional Education Test required by state board rule.²⁹ However, for individuals who already have a bachelor's or higher degree in a subject other than education, competence is demonstrated in part by completing 15 semester hours in professional preparation courses specified in state board rule³⁰ and achieving a passing score on the Professional Education Test.³¹

An expert in the field who meets the general certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary certificate holders with a master's degree or higher in the area of science, technology, engineering, or mathematics (STEM) who are rated highly effective must still complete the 15 hours of coursework within three years to earn a professional certificate.³²

A STEM teacher's evaluation rating is determined by school district's performance evaluation system, which incorporates student performance on statewide, standardized assessments or other district-selected measures into a teacher's summative evaluation.³³ For example, districts may use performance data from Advanced Placement (AP) examinations to evaluate a high school teacher in the following AP STEM courses:

- Chemistry;
- Environmental Science;
- Computer Science;
- Physics;
- Calculus;
- Biology; and

²⁵ Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

²⁶ Section 1012.56(3)(e), F.S.; rules 6a-4.002(4)(e) and 6a-4.0021(12)(a), F.A.C.

²⁷ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, http://www.fl.nesinc.com/FL_TIGS.asp (last visited Nov. 23, 2015).

²⁸ Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.

²⁹ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.S.

³⁰ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

³¹ Section 1012.56(6)(f), F.S.

³² See s. 1012.56(6)(f)-(h), F.S. See also rules 6a-4.004(1) and 6A-4.006(2)(a) and (b), F.S.

³³ See s. 1012.34, F.S. See also rules 6a-5.030 and 6a-5.0411, F.A.C. The teacher's performance evaluation also includes instructional practice (i.e., classroom observations) and other criteria as determined by the school district. See s. 1012.34(3), F.S.

- Statistics.³⁴

Effect of Proposed Changes

The bill makes a professional educator certificate more attainable for qualifying temporary certificate holders by reducing the coursework associated with meeting professional preparation and education competence requirements. Under the bill, an individual may earn a professional certificate covering grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlated educator certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an AP, Advanced International Certificate of Education, or International Baccalaureate examination.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.56, F.S.; providing alternative requirements for earning a professional educator certificate that covers certain grades.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

³⁴ See CollegeBoard, *AP Courses*, <https://apstudent.collegeboard.org/apcourse> (last visited Nov. 23, 2015). Similar courses and examinations are offered through International Baccalaureate and Advanced International Certification of Education programs. See Cambridge AICE, *Cambridge AICE Diploma Curriculum*, <http://www.cie.org.uk/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/curriculum/> (last visited Nov. 23, 2015); International Baccalaureate, *Sciences*, <http://www.ibo.org/programmes/diploma-programme/curriculum/sciences/> (last visited Nov. 23, 2015).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to teacher certification; amending s.
 3 1012.56, F.S.; providing alternative requirements for
 4 earning a professional educator certificate that
 5 covers certain grades; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (a) of subsection (7) of section
 10 1012.56, Florida Statutes, is amended to read:

11 1012.56 Educator certification requirements.-

12 (7) TYPES AND TERMS OF CERTIFICATION.-

13 (a) The Department of Education shall issue a professional
 14 certificate for a period not to exceed 5 years to any applicant
 15 who meets all the requirements outlined in subsection (2) or,
 16 for a professional certificate covering grades 6 through 12, any
 17 applicant who:

18 1. Meets the requirements of paragraphs (2)(a)-(h).

19 2. Holds a master's or higher degree in the area of
 20 science, technology, engineering, or mathematics.

21 3. Teaches a high school course in the subject of the
 22 advanced degree.

23 4. Is rated highly effective as determined by the
 24 teacher's performance evaluation under s. 1012.34, based in part
 25 on student performance as measured by a statewide, standardized
 26 assessment or an Advanced Placement, Advanced International

27 Certificate of Education, or International Baccalaureate
 28 examination.

29 5. Achieves a passing score on the Florida professional
 30 education competency examination required by state board rule.
 31

32 Each temporary certificate is valid for 3 school fiscal years
 33 and is nonrenewable. However, the requirement in paragraph
 34 (2) (g) must be met within 1 calendar year of the date of
 35 employment under the temporary certificate. Individuals who are
 36 employed under contract at the end of the 1 calendar year time
 37 period may continue to be employed through the end of the school
 38 year in which they have been contracted. A school district shall
 39 not employ, or continue the employment of, an individual in a
 40 position for which a temporary certificate is required beyond
 41 this time period if the individual has not met the requirement
 42 of paragraph (2) (g). The State Board of Education shall adopt
 43 rules to allow the department to extend the validity period of a
 44 temporary certificate for 2 years when the requirements for the
 45 professional certificate, not including the requirement in
 46 paragraph (2) (g), were not completed due to the serious illness
 47 or injury of the applicant or other extraordinary extenuating
 48 circumstances. The department shall reissue the temporary
 49 certificate for 2 additional years upon approval by the
 50 Commissioner of Education. A written request for reissuance of
 51 the certificate shall be submitted by the district school
 52 superintendent, the governing authority of a university lab

PCS for HB 189

Original



2016

53 | school, the governing authority of a state-supported school, or
54 | the governing authority of a private school.

55 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 229 Bullying and Harassment Policies in Schools
SPONSOR(S): K-12 Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Cherry 	Fudge 

SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Jeffrey Johnston Stand Up for All Students Act, which prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network. The law also requires each school district to adopt a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.

The bill revises current law by requiring each district school board to periodically review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Climate

Present Situation

Florida law requires school boards to adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment.¹ Each school board must adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools.² At the beginning of each school year, the code of student conduct must be:

- Distributed to all teachers, school personnel, students, and parents;
- Made available in the school district's student handbook or similar publication; and
- Discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year.³

The code of student conduct must include policy and procedures relating to bullying and harassment prevention.⁴ Current law prohibits bullying or harassment:

- Of any public K-12 student or employee during a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus;
- Using a computer, computer system, or computer network that is within the scope of a public K-12 educational institution;⁵ or
- Using technology or electronic devices that are not owned or otherwise controlled by a school district or school, but only if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment.⁶

The terms "bullying" and "harassment" constitute the following behaviors:

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve:
 - Teasing;
 - Social exclusion;
 - Threat;
 - Intimidation;
 - Stalking;
 - Physical violence;
 - Theft;

¹ Sections 1006.07 and 1006.07(1)(a), F.S.

² Section 1006.07(2), F.S.

³ *Id.*

⁴ Section 1006.147(4)(n), F.S.

⁵ "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁶ Section 1006.147(2), F.S.

- Sexual, religious, or racial harassment;
 - Public or private humiliation; or
 - Destruction of property.⁷
- **Cyberbullying:** Bullying through the use of technology or electronic communication, e.g., email, postings on internet websites or social media, instant messages, text messages, or cell phone.⁸
 - **Harassment:** Threatening, insulting, or dehumanizing gestures, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.⁹

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct with an effect substantially similar to bullying or harassment.¹⁰

Each school district's bullying and harassment policy must:

- Prohibit, define, and describe the behaviors that constitute bullying and harassment;
- Establish procedures for reporting and investigating acts of bullying and harassment;
- Establish procedures for making referrals to law enforcement;
- Provide instruction to students, parents, teachers, and others on recognizing behavior that leads to bullying and harassment and taking preventative action;
- Establish procedures for including "incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6);"¹¹ and
- Procedures for referring victims and perpetrators to counseling.¹²

Current law does not expressly require school principals to review or implement the district school board policy.

Annually, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must also include data regarding incidents of bullying and harassment. Distribution of safe schools funds to a school district is contingent upon the school district's compliance with required procedures for reporting bullying and harassment and reporting regarding policy implementation and incidents.¹³

⁷ Section 1006.147(3)(a), F.S.

⁸ Section 1006.147(3)(b), F.S.

⁹ Section 1006.147(3)(c), F.S.

¹⁰ Section 1006.147(3)(f), F.S.

¹¹ Section 1006.147(4)(f), (h), (k), and (l), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by DOE to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited November, 20, 2015).

¹² Section 1006.147(4)(j), F.S.

¹³ Section 1006.147(7) and (9), F.S.

Effect of Proposed Changes

The bill revises current law related to district school board anti-bullying, anti-harassment policies by requiring each district school board to review its policy every three years with the involvement of students, parents, teachers, administrators and other community stakeholders.

Each district school board must also authorize a list of bullying and harassment prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. These programs must also include instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy and integrating the policy with the school's curriculum, prevention program, discipline policies, and other violence prevention efforts.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.147, F.S., requiring school districts to revise their bullying and harassment policy at specified intervals; requiring schools to implement the bullying and harassment policy in a certain manner and integrate it with the school's bullying prevention and intervention program; requiring the policy to include procedure for receiving reports of alleged acts of bullying and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to bullying and harassment policies in
 3 schools; amending s. 1006.147, F.S.; requiring each
 4 school district to review its bullying and harassment
 5 policy at specified intervals; requiring each school
 6 principal to implement the bullying and harassment
 7 policy in a certain manner and integrate it with the
 8 school's bullying prevention and intervention program;
 9 requiring the policy to include a procedure for
 10 receiving reports of alleged acts of bullying and a
 11 list of authorized programs that provide bullying and
 12 harassment identification, prevention, and response
 13 instruction; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (4) of section 1006.147, Florida
 18 Statutes, is amended to read:

19 1006.147 Bullying and harassment prohibited.—

20 (4) Each school district shall adopt and review at least
 21 every 3 years a policy prohibiting bullying and harassment of a
 22 student or employee of a public K-12 educational institution.
 23 Each school district's policy shall be in substantial conformity
 24 with the Department of Education's model policy. The school
 25 district bullying and harassment policy shall afford all
 26 students the same protection regardless of their status under

27 the law. The school district may establish separate
 28 discrimination policies that include categories of students. The
 29 school district shall involve students, parents, teachers,
 30 administrators, school staff, school volunteers, community
 31 representatives, and local law enforcement agencies in the
 32 process of adopting and reviewing the policy. The school
 33 district policy must be implemented by each school principal in
 34 a manner that is ongoing throughout the school year and
 35 integrated with the a school's curriculum, bullying prevention
 36 and intervention program, a school's discipline policies, and
 37 other violence prevention efforts. The school district policy
 38 must contain, at a minimum, the following components:

39 (a) A statement prohibiting bullying and harassment.

40 (b) A definition of bullying and a definition of
 41 harassment that include the definitions listed in this section.

42 (c) A description of the type of behavior expected from
 43 each student and employee of a public K-12 educational
 44 institution.

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

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

52 (f) A procedure for receiving reports of ~~reporting~~ an

53 | alleged act of bullying or harassment, including provisions that
54 | permit a person to anonymously report such an act. However, this
55 | paragraph does not permit formal disciplinary action to be based
56 | solely on an anonymous report.

57 | (g) A procedure for the prompt investigation of a report
58 | of bullying or harassment and the persons responsible for the
59 | investigation. The investigation of a reported act of bullying
60 | or harassment is deemed to be a school-related activity and
61 | begins with a report of such an act. Incidents that require a
62 | reasonable investigation when reported to appropriate school
63 | authorities shall include alleged incidents of bullying or
64 | harassment allegedly committed against a child while the child
65 | is en route to school aboard a school bus or at a school bus
66 | stop.

67 | (h) A process to investigate whether a reported act of
68 | bullying or harassment is within the scope of the district
69 | school system and, if not, a process for referral of such an act
70 | to the appropriate jurisdiction. Computers without web-filtering
71 | software or computers with web-filtering software that is
72 | disabled shall be used when complaints of cyberbullying are
73 | investigated.

74 | (i) A procedure for providing immediate notification to
75 | the parents of a victim of bullying or harassment and the
76 | parents of the perpetrator of an act of bullying or harassment,
77 | as well as notification to all local agencies where criminal
78 | charges may be pursued against the perpetrator.

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

81 (k) A procedure for including incidents of bullying or
82 harassment in the school's report of data concerning school
83 safety and discipline required under s. 1006.09(6). The report
84 must include each incident of bullying or harassment and the
85 resulting consequences, including discipline and referrals. The
86 report must include in a separate section each alleged ~~reported~~
87 incident of bullying or harassment that does not meet the
88 criteria of a prohibited act under this section with
89 recommendations regarding such incidents. The Department of
90 Education shall aggregate information contained in the reports.

91 (l) A list of programs authorized by the school district
92 that provide ~~procedure for providing~~ instruction to students,
93 parents, teachers, school administrators, counseling staff, and
94 school volunteers on identifying, preventing, and responding to
95 bullying or harassment, including instruction on recognizing
96 behaviors that lead to bullying and harassment and taking
97 appropriate preventive action based on those observations.

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

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

103 Section 2. This act shall take effect July 1, 2016.