

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1763 Quality of School Personnel
SPONSOR(S): Committee on Education K-20 and Kilmer
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|-----------------------------------|-----------|----------|----------------|
| 1) Education Appropriations (Sub) | 11 Y, 5 N | Mizereck | Mizereck |
| 2) Appropriations | | | |
| 3) | | | |
| 4) | | | |
| 5) | | | |

SUMMARY ANALYSIS

HB 1763 focuses on the recruitment, retention and certification of educators.

Recruitment and Retention

- Authorizes postsecondary institutions to create educator preparation institutes, which will be authorized to provide instruction for teacher professional development, substitute teachers, paraprofessionals, and an alternative certification program for non-education major baccalaureate degree holders who have an interest in becoming teachers.
- Authorizes traditional teacher preparation programs to design a program with short-term field experiences as teacher assistants for people with college degrees who are interested in teaching.
- Eliminates the requirement for students in traditional teacher preparation programs to pass two basic skills tests (one to enter the program and another to exit) by allowing the exit exam to be used as an optional basic skills test to enter the program.
- Strengthens the requirements for substitute teachers.
- Requires DOE to provide more resources for teachers, including web-based resources
- Removes dates from the section of law regarding pay for experience; thus requiring districts to recognize and accept certain teaching experience of existing staff when entering into new contracts
- Authorizes districts to include other classifications of instructional personnel in the salary career ladder

Certification Provisions

- Clarifies application procedures and the Department of Education duty to issue certificates.
- Requires level 2 security background screening, initially and periodically, for hired and contracted individuals who have direct contact with students, including student teachers and individuals in charter and alternative schools.
- Requires FDLE to retain all submitted fingerprints and screen against arrest records and requires rescreening every 5 years.
- Promotes and rewards professional education in reading by permitting certified teachers to “bank” reading courses to use in future certificate renewals.
- Provides authority for the State Board of Education to recognize another national educator accrediting board to meet certification requirements

There could be an indeterminate fiscal impact associated with some of the provisions in the bill: collecting, entering and retaining the fingerprint records, requiring rescreening every 5 years, creation of educator preparation institutes and programs, requiring districts to pay certain staff for experience, and developing additional resources for educators.

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

STORAGE NAME: h1763.ap.doc
DATE: April 5, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill focuses on the recruitment, retention and certification of teachers.

Recruitment and Retention

The bill increases the routes to the classroom and encourages the retention of qualified educators.

Postsecondary Educator Preparation Institutes

The bill authorizes postsecondary institutions to seek approval from the Department of Education to create postsecondary *educator preparation institutes*. The institutes may provide any or all of the following types of instruction:

- Professional development instruction for teachers
- Instruction for substitute teachers
- Instruction for paraprofessionals
- Alternative certification instruction for noneducation major baccalaureate degree holders to become certified teachers

Currently there are three pathways to teacher certification:

1. The traditional state approved teacher education programs offered by university colleges of education, pursuant to s. 1004.04, F.S., as well as specific four-year programs offered by three community colleges: St. Petersburg, Miami-Dade, and Chipola.
2. The course-based alternative certification which contains coursework (mostly upper-division) offered by community colleges (for lower division courses only) and universities and on-the-job classroom experience.
3. Alternative certification programs offered by the school districts which are tied to being employed in the district with a temporary certificate, including the use of distance learning technology.

While all of the programs listed above produce well-qualified teachers, they may not always allow the level of flexibility required by many individuals seeking to transition from one career to another. The bill creates an additional pathway that consists of a competency-based program of instruction. Only postsecondary institutions may establish an education preparation institute and the postsecondary institutions must have approval from DOE to establish the institute and, if the institute seeks to offer an alternative certification program, the alternative certification program must also be approved by DOE.

The *alternative certification programs offered through the educator preparation institutes* will:

- Expand alternative teacher certification to Florida’s community and four-year institutions. Once a program is developed by an institute, the program will be available for other institutes in the state to use.

- Provide mid-career professionals, non-education majors, dislocated professionals and other baccalaureate degree holders with another option for certification
- Require approval by DOE (DOE has 90 days to approve or to explain what is deficient in the institute's request for approval)
- Provide competency based instruction to baccalaureate degree holders to become certified teachers
- Provide field experience
- Provide a certification ombudsman to assist participants in the process and procedures for certification, including background screening
- Provide for accountability measures, including teacher exam pass rates, employment rates, longitudinal retention rates, and employer satisfaction.
- Stipulate that an alternative certification program approved by DOE may be implemented by school districts to satisfy requirement for district to provide such a program
- Identifies alternative certification program as an additional means of demonstrating mastery of professional preparation and education competence
- Require instructors for the alternative certification program to possess a master's degree in education or a master's degree in an appropriate related field; they must also document their teaching experience.

Traditional State Approved Teacher Education Programs

Field Experiences -- The bill authorizes postsecondary institutions offering teacher preparation programs and community colleges, in collaboration with the school districts, to develop a program providing short-term field experiences as teacher assistants. The program is designed for individuals with baccalaureate degrees who are interested in teaching. The field experience will take place before an individual begins a teacher preparation program.

Certification Ombudsman – The bill requires each teacher preparation program approved by the Department of Education to provide a certification ombudsman to assist graduates in the process and procedures required to obtain educator professional or temporary certification.

Entrance Requirements -- Currently, students are required to pass one basic skills test (CLAST or PPST) to enter the program and required to pass another basic skills test, the General Knowledge Test of the Florida Teacher Certification Examination, to exit the program. The bill allows the General Knowledge Test of the Florida Teacher Certification Examination to be used as an optional basic skills test to enter the program. The provision will eliminate the requirement for students in teacher preparation programs to pass two basic skills tests.

Substitute Teachers

The bill strengthens the requirements for substitute teachers with the following provisions:

- Substitute teachers must have a high school diploma or its equivalent
- Substitute teachers must attend an orientation training, which may be offered by the educator preparation institutes or by school districts, prior to employment
- DOE is directed to develop web-based resources that will provide the required training for substitute teachers.
- School districts must develop a performance appraisal system
- Education preparation institutes, community colleges, colleges of education, district school boards, educational consortia, or commercial vendors are authorized to offer training for substitute teachers.
- Districts are encouraged to have ongoing training and access to professional development offerings for substitute teacher orientation programs

Other Recruitment and Retention Provisions

- Requires DOE to concentrate on retention of qualified teachers.
- Directs DOE to develop web-based resources for teachers and substitute teachers.

- Directs school districts to develop a performance appraisal system.
- Includes tourism office as a place where available resources may be identified and accessed.
- Requires DOE to create guidelines and identify best practices for mentors of beginning teachers and new teacher support programs.
- Requires DOE to consult with school districts in developing the guidelines.
- Requires DOE to develop and implement an online teacher toolkit that contains a menu of resources.
- Requires DOE to establish an Educator Appreciation Week.
- Requires district school boards to adopt policies relating to mentors and support for first time teachers based on guidelines issues by DOE.
- Allows teachers who take reading courses in excess of the 6 semester hours (120 inservice points) required to renew the professional certificate to “bank” the excess credit in reading courses to use in future certificate renewals. Banking is only currently available for ESOL courses. Allowing teachers to bank reading courses will benefit those who must add reading certification to continue to teach reading classes and will also encourage other educators to seek certification in the reading endorsement.
- Deletes specific dates from provision requiring districts to pay each employee who enters into a written contract for years of experience. The bill requires a school board to recognize and accept, for purposes of pay, each year of full-time public school teaching service for each employee who enters into a written contract in the school district. This provision will not apply to teachers on continuing contracts.
- Allows districts to include several other classifications of instructional personnel to the BEST salary career ladder as a lead teacher.

Certification

Department of Education Duty to Issue Certificates

The bill clarifies the application process in s. 1012.56(1), F.S., for obtaining an educator certificate. After an applicant submits the application to DOE, the department will issue a *professional educator certificate* if the applicant has met all of the requirements for that certificate. Additionally, the applicant will receive a document explaining the renewal requirements for the professional certificate.

If an applicant has not met all of the requirements for a professional certificate, the applicant may be eligible to receive a *temporary certificate*. However, to receive a temporary certificate, the applicant must have employment with a school district or an approved private school. The temporary certificate is valid for 2 years and is nonrenewable. If an applicant has met all of the requirements for a temporary and the employing district or school request a temporary certificate for the applicant, the department will issue a temporary certificate. Additionally, the applicant will receive a statement of eligibility.

If the applicant does not meet the requirements of either the professional certificate or the temporary certificate or if the applicant does not have an employing district or school request the temporary certificate, the department will issue a *statement of eligibility*. The statement of eligibility will designate the official initial certification plan outlining any deficiencies or testing requirements the applicant needs to meet. The statement of eligibility is valid for 3 years after its date of issuance. During that 3 year period, the requirements for that applicant to be certified cannot be changed.

Background Screening

Background: Currently, an applicant for educator certification or an adjunct teacher are required to submit to fingerprint checks by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI) for initial certification, pursuant to ss. 1012.56 and 1012.57, F.S. In addition, the Department of Education (DOE) reviews the background check on a teacher whose certificate has expired and who has not continuously been employed at a school district for one year or more. The Department of Education is authorized in s. 1012.21, F.S., to periodically conduct criminal history record checks on teachers; however, the DOE does not conduct any further background checks of a teacher who has not had an interruption in service of a year or more. Accordingly, most educators undergo criminal background checks only once for the duration of their employment.

Section 1012.32, F.S., requires all personnel who are hired to fill positions requiring direct contact with students in any district school system or lab school to file a complete set of fingerprints. Fingerprint processing costs may be borne by the district school board or the employee. New employees are on probationary status pending fingerprint processing results. Personnel who have been fingerprinted or screened and who have not been unemployed for more than 90 days are not required to be refingerprinted or rescreened. The DOE has interpreted s. 1012.32, F.S., to require background checks of all individuals having direct contact with students whether employed by the district or under contract with the district.

Currently, the Department of Education does not receive criminal background checks on noninstructional personnel. These are reviewed at the district level.

Section 1002.33, F.S., requires charter schools to employ or contract with persons who have been fingerprinted. Charter school governing board members are also required to fingerprinted.

According to information from FDLE, doctors in Florida are rescreened every 2 years with just the state check (not the national check) in the second year. The Department of Juvenile Justice (DJJ) screens every 5 years; however, there are proposals this year for screening every year. The courts rescreen every 4 years nationally and every year for the state.

Bill Provisions: The bill requires the level 2 security background screenings as provided in s. 435.04, F.S., for the following individuals:

- Instructional and noninstructional personnel who are contracted to fill positions requiring direct contact with students.
- Individuals seeking educator certification under s. 1012.56, F.S.
- Charter school employees and governing board members.
- Instructional and noninstructional personnel who are hired or contracted to fill positions requiring direct contact with students in an alternative school that operates under contract with a district school system.
- Adjunct teachers.
- Noninstructional school district employees or *contractual* personnel who have direct contact with students or who have access to or control of school funds.
- Student teachers and persons participating in field experience.

Level 2 screening standards as described in s. 435.04, F.S., must include:

- Fingerprinting
- Statewide criminal and juvenile records checks through the FDLE
- Federal criminal records checks through the FBI.

The screening requirement applies to initial certification or initial employment and every 5 years thereafter. The bill removes the 90-day exception for certain personnel to the refingerprinting and rescreening requirements. The bill deletes the provision in s. 1012.32, F.S., authorizing probationary status pending fingerprint results.

The bill provides that any person found through fingerprint processing to have been convicted of a crime involving moral turpitude may not be engaged to provide services, or serve in any position requiring direct contact with students. Persons terminated due to a criminal record have the right to appeal. The bill requires educators with certificates to inform the employer within 48 hours if convicted of a disqualifying offense under penalty of perjury. The bill requires the immediate suspension from the position requiring teacher certification or having direct contact with a minor and revocation or suspension of the teaching certificate upon failure to meet background screening requirements.

The bill requires the Department of Law Enforcement to retain the fingerprint records of all instructional and noninstructional personnel required to undergo background screening in the school districts,

charter schools, and lab schools, and enter the records into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b), F.S. The statewide automated system is expected to be online by approximately January 2005, according to the Department of Law Enforcement. The bill authorizes FDLE to compare the incoming arrest fingerprints against retained fingerprints and to notify the appropriate school district or the DOE if there is a match. A report is also sent to the district when the case is resolved. The notification at the time of arrest is in keeping with the individual's responsibility to self-disclose this information. The bill also authorizes FDLE to use the retained fingerprints for all authorized criminal justice purposes.

Other Certification Provisions

- Requires DOE to annually publish a directory of course code numbers for all programs and courses and identify appropriate certification for specified courses
- Allows use of an affidavit rather than a written statement, which will allow DOE to provide online application for a Florida Educator's Certificate
- Authorizes the State Board of Education to examine certificates issued by other national educator credentialing boards to determine their acceptance in Florida toward meeting certification requirements. Currently, the only nationally issued certificate accepted in Florida is from the National Board for Professional Teaching Standards.
- Requires all certified educators and applicants for certification to have a current mailing address on file with the investigative office of DOE; but permits electronic notification. Additionally, school districts who receive notification of a change of address from their teachers or administrators must notify the department of those changes at least quarterly. This notification requirement is expected to improve communication with educators and the department. School district staff who receive changes of address have the means to directly update the educator certification database.
- Authorizes teachers to receive inservice points for serving as a reading coach.

C. SECTION DIRECTORY:

Section 1. Amends 1004.04, F.S., relating to public accountability and state approval for teacher preparation programs.

Section 2. Creates s. 1004.85, F.S., relating to postsecondary educator preparation institutes.

Section 3. Amends s. 1012.05, F.S., relating to teacher recruitment and retention.

Section 4. Amends s. 1012.32, F.S., relating to qualifications of personnel.

Section 5. Amends s. 1012.33, F.S., relating to contracts with instructional staff, supervisors, and school principals.

Section 6. Amends s. 1012.35, F.S., relating to substitute teachers.

Section 7. Amends s. 1012.39, F.S., relating to employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.

Section 8. Creates s. 1012.465, F.S., relating to background screening requirements for certain noninstructional school district employees and contractors.

Section 9. Amends s. 1012.55, F.S., relating to positions for which certificates required.

Section 10. Amends s. 1012.56, F.S., relating to educator certification requirements.

Section 11. Creates s. 1012.561, F.S., relating to address of record.

Section 12. Amends s. 1012.57, F.S., relating to certification of adjunct educators.

Section 13. Amends s. 1012.585, F.S., relating to process for renewal of professional certificates.

Section 14. Amends s. 1002.33, F.S., charter schools.

Section 15. Provides that the act shall become effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There could be an indeterminate fiscal impact associated with collecting, entering and retaining fingerprint records by FDLE, requiring rescreening every 5 years, creating educator preparation institutes and programs for alternative certification, substitute teachers and paraprofessionals, requiring districts to pay certain staff for experience, and development of additional resources for recruitment, retention and certification by the Department of Education.

Educator preparation institutes: Postsecondary institutions could operate these out of existing funds. As enrollment grows it is possible these institutions would seek additional funding.

Background Screening: The bill provides that the employee or the district school board may pay for the background screening requirements. Under s. 1, ch. 2003-403, LOF, the fees for criminal history checks are currently \$23.00. According to FDLE, the total costs of the initial screening total about \$60: \$23 for the state screening, \$24 for the FBI national screening, and \$12 for a vendor who furnished the equipment at the district. The initial screening costs under the provisions of the bill will remain the same as they are currently.

The bill requires FDLE, beginning on July 1, 2004, to retain all fingerprint records submitted on the school personnel for entry into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b), F.S. The system was expected to be online by January 2005. FDLE had anticipated retaining all fingerprint records by December 2004. There could be an indeterminate fiscal impact associated with collecting and entering the fingerprint records by the July 1, 2004 date.

The annual fee for each district to have the prints retained is to be set by FDLE rule and is expected to be \$6 per set of fingerprints.

The rescreening every 5 years will be about \$24. This will go to the FBI for the national screening. There will not be a need for a state screening because the arrest records will be screened against the retained prints on a regular basis and there will be no need for the vendor charge since the individual does not have to be reprinted.

If the district does not pass the cost of the screening, retaining prints, and rescreening onto the person being screened, the district will incur the cost.

Resources: The cost for the additional resources that DOE is asked to provide is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS:

If a district chooses to include other classifications of instructional personnel to the BEST salary career ladder at the lead teacher level, the district will incur the costs of that inclusion.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other: None.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the State Board of Education under s. 1004.85 F.S., relating to teacher preparation institutes; and to the Florida Department of Law Enforcement under s. 1012.32, F.S., relating to retention of fingerprints and background screening fees.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 8, 2004, the Committee on Education K-20 heard PCB EDK -04-02 and adopted 11 amendments. The PCB with the engrossed amendments differs from the original PCB in the following ways:

- Clarifies that *only* postsecondary institutions may establish the education preparation institutes.
- Clarifies that an alternative certification created by an education preparation institute may be used by other education preparation institutes.
- Adds a time period of 90 days for DOE to approve or to explain what is deficient in the institute's request for approval of an alternative certification program.
- Adds "longitudinal retention rates" to the data collected for the evaluation of the effectiveness of the alternative certification program.
- Removes references to a specific office and a specific entity not statutorily established
- Requires DOE to consult with school districts when creating guidelines for mentors and first time teachers.

- Allows districts to include several other classifications of instructional personnel to the BEST salary career ladder as a lead teacher.
- Requires DOE to provide web-based training resources to meet the training that the PCB requires for substitutes.
- Sets a timeframe of 48 hours for a certified person to inform their employer if convicted of any disqualifying offense.
- Changes the reporting requirement for the district to report to DOE the address of record changes from at least monthly to at least quarterly
- Directs the Commissioner of Education to take steps that provide flexibility and consistency in meeting the criteria for a 'high quality' teacher as defined in the federal legislation, No Child Left Behind.

On April 2, 2004, the Subcommittee on Education Appropriations favorably recommended HB 1763 with one amendment. The amendment:

- Requires the Department of Education to notify each teacher, via e-mail, of each item in the General Appropriations Act that provides direct benefit to teachers; and
- Requires each school district to twice annually submit to the Department of Education accurate e-mail addresses for all instructional and administrative personnel.