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

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

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

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

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

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

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

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

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

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

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

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

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

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

189 447.403 Resolution of impasses.—

190 (2)

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

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

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

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

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

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

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

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

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

229 1002.33 Charter schools.—

230 (16) EXEMPTION FROM STATUTES.—

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

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

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

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

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

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

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

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

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253 (20) SERVICES.—

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

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

294 (26) FUNDING AND COMPLIANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

374 (4) INITIAL STATE PROGRAM APPROVAL.—

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

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

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

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

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

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

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

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421 examination required by s. 1012.56.

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

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

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

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

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

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

493 ~~1. Write and speak in a logical and understandable style~~
494 ~~with appropriate grammar.~~

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

498 ~~3. Use and integrate appropriate technology in teaching~~
499 ~~and learning processes.~~

500 ~~4. Demonstrate knowledge and understanding of Sunshine~~
501 ~~State Standards.~~

502 ~~5. Maintain an orderly and disciplined classroom conducive~~
503 ~~to student learning.~~

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

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

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

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

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

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

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

533 positions.

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

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

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

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

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

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

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

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

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

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

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

595 1004.85 Postsecondary educator preparation institutes.—

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

610 (b) Each program participant must:

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

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

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

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

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

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

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

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

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

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

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

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672 assessments.

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

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

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

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

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

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700 grants consist of the following:

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

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

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

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

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

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

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

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

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

744 | 1009.94 Student financial assistance database.—

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

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

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

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

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

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

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

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

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

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

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

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

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

799 (5) DISTRIBUTION OF THE FUND.—

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

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

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

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

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

830 (6) REVIEW.—

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

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

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

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

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

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

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

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

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

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

919 1012.05 Teacher recruitment and retention.—

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

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

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

934 1012.07 Identification of critical teacher shortage
 935 areas.—

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

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

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

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

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

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

974 (c) Compensation and salary schedules.—

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

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980 ~~efficient service to be used as a basis for paying all school~~
981 ~~employees and fix and authorize the compensation of school~~
982 ~~employees on the basis thereof.~~

983 b.2. A district school board, in determining the salary
984 adjustments schedule for instructional personnel and school-
985 based administrators, must base ~~a portion of~~ each employee's
986 adjustment only ~~compensation~~ on performance demonstrated under
987 s. 1012.34, ~~must consider the prior teaching experience of a~~
988 ~~person who has been designated state teacher of the year by any~~
989 ~~state in the United States, and must consider prior professional~~
990 ~~experience in the field of education gained in positions in~~
991 ~~addition to district level instructional and administrative~~
992 ~~positions.~~

993 c.3. In developing the salary schedule, the district
994 school board shall seek input from parents, teachers, and
995 representatives of the business community.

996 ~~2.4.~~ ~~Beginning with the 2007-2008 academic year,~~ Each
997 district school board shall adopt a salary adjustment for
998 ~~schedule with~~ differentiated pay for both instructional
999 personnel and school-based administrators. ~~The salary schedule~~
1000 ~~is subject to negotiation as provided in chapter 447 and must~~
1001 ~~allow differentiated pay based on the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1148 improvement of the professional skills of instructional
1149 personnel.

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

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

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

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

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

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

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

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

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

1204 to, indicators that relate to the following:

1205 1. Performance of students.

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

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

1208 students assigned to the teacher must comprise more than 50

1209 percent of the determination of the classroom teacher's

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

1211 thereafter, for instructional personnel who are not classroom

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

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

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

1215 gains of students assigned to the classroom teacher for the

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

1217 classroom teachers, the learning gains of students assigned to

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

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

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

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

1222 years. Student learning gains are measured by state assessments

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

1224 national industry certification identified in the Industry

1225 Certification Funding List pursuant to rules adopted by the

1226 State Board of Education, or district assessments for subject

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

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

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

1230 on the performance of students assigned to their classrooms or

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

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

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

1240 a. Ability to maintain appropriate discipline.

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

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

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

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

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

1257 3. Instructional leadership performance.

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

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

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

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

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

1287 b. Recruit and retain high-performing teachers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1400 system.

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

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

1412 1012.42 Teacher teaching out-of-field.—

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

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

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

1423 1012.56 Educator certification requirements.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1525 (7) TYPES AND TERMS OF CERTIFICATION.—

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

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

1531 1. Completes the requirements outlined in paragraphs

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

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

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

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

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

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

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

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

1571 (9) EXAMINATIONS.—

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

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

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

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

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

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

1595

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

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

1603 1012.585 Process for renewal of professional
 1604 certificates.—

1605 (2)

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

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

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

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

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

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

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

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

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

1649 1012.72 Dale Hickam Excellent Teaching Program.—

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

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

1664 (a) An annual bonus equal to 10 percent of the prior
 1665 fiscal year's statewide average salary for classroom teachers to
 1666 be distributed to the school district to be paid to each
 1667 individual who holds NBPTS certification and is employed by the
 1668 district school board or by a public school within the school
 1669 district. The district school board shall distribute the annual
 1670 bonus to each individual who meets the requirements of this
 1671 paragraph and who is certified annually by the district to have
 1672 demonstrated satisfactory teaching performance pursuant to s.
 1673 1012.34. The annual bonus may be paid as a single payment or
 1674 divided into not more than three payments.

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

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

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

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

1697 1012.79 Education Practices Commission; organization.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1792 1012.22 and 1012.34, Florida Statutes, made by this act.

1793 (2) To receive approval from the State Board of Education
 1794 for an exemption under this section, a school district must
 1795 demonstrate to the State Board of Education that it is
 1796 implementing the following:

1797 (a) A teacher appraisal system that uses student
 1798 performance as the single greatest component of the teacher's
 1799 evaluation.

1800 (b) A teacher compensation system that awards salary
 1801 increases based on sustained student performance.

1802 (c) A teacher contract system that awards contracts based
 1803 on student performance.

1804 (3) The State Board of Education shall annually renew a
 1805 school district's exemption if the school district provides a
 1806 progress report that demonstrates that the school district
 1807 continues to meet the requirements of subsection (2).

1808 (4) The State Board of Education shall adopt rules
 1809 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
 1810 establish the procedures for applying for an exemption under
 1811 this section.

1812 Section 38. If any provision of this act or its
 1813 application to any person or circumstance is held invalid, the
 1814 invalidity does not affect other provisions or applications of
 1815 the act which can be given effect without the invalid provision
 1816 or application, and to this end the provisions of this act are
 1817 severable.

1818 Section 39. The amendment to s. 1012.33, Florida Statutes,
 1819 made by this act shall apply to contracts newly entered into,

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

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