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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/11/2014	.	
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The Committee on Education (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 15 and 16  
insert:

Section 1. Subsections (2) and (4) of section 1012.2315,  
Florida Statutes, are amended to read:

1012.2315 Assignment of teachers.—

(2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

(a) A school district ~~districts~~ may not assign a higher  
percentage than the school district average of temporarily  
certified teachers, teachers in need of improvement, or out-of-



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12 field teachers to schools graded "D" or "F" pursuant to s.  
13 1008.34.

14 (b) Beginning July 1, 2014, a school district may assign  
15 newly hired instructional personnel to a school that has earned  
16 a grade of "F" in the previous year or any combination of three  
17 consecutive grades of "D" or "F" in the previous 3 years  
18 pursuant to s. 1008.34 if the newly hired instructional  
19 personnel:

20 1. Have received an effective rating or highly effective  
21 rating in the immediate prior year's performance evaluation  
22 pursuant s. 1012.34;

23 2. Have successfully completed a professional education  
24 training program provided by Teach for America, hold a  
25 professional certificate issued pursuant to s. 1012.56, and hold  
26 a probationary contract pursuant to s. 1012.335(2)(a); or

27 3. Are recommended by the district school superintendent to  
28 teach in such school, hold a professional certificate issued  
29 pursuant to s. 1012.56, and hold a probationary contract  
30 pursuant to s. 1012.335(2)(a).

31  
32 Each school district shall annually certify to the Commissioner  
33 of Education that the requirements in this subsection have ~~this~~  
34 ~~requirement has~~ been met. If the commissioner determines that a  
35 school district is not in compliance with this subsection, the  
36 State Board of Education shall be notified and shall take action  
37 pursuant to s. 1008.32 in the next regularly scheduled meeting  
38 to require compliance.

39 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
40 chapter 447 relating to district school board collective



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41 bargaining, collective bargaining provisions may not preclude a  
42 school district from providing incentives to high-quality  
43 teachers and assigning such teachers to low-performing schools.  
44 However, collective bargaining provisions relating to  
45 instructional personnel may include the assignment of newly  
46 hired personnel to a school that has earned a grade of "F" in  
47 the previous year or any combination of three consecutive grades  
48 of "D" or "F" in the previous 3 years pursuant to s. 1008.34 if  
49 the newly hired instructional personnel:

50 (a) Have received an effective rating or highly effective  
51 rating in the immediate prior year's performance evaluation  
52 under s. 1012.34;

53 (b) Have successfully completed a professional education  
54 training program provided by Teach for America, hold a  
55 professional certificate issued pursuant to s. 1012.56, and hold  
56 a probationary contract pursuant to s. 1012.335(2) (a); or

57 (c) Are recommended by the district school superintendent  
58 to teach in such school, hold a professional certificate issued  
59 pursuant to s. 1012.56, and hold a probationary contract  
60 pursuant to s. 1012.335(2) (a).

61 Section 2. Subsection (1) of section 1012.27, Florida  
62 Statutes, is amended to read:

63 1012.27 Public school personnel; powers and duties of  
64 district school superintendent.—The district school  
65 superintendent is responsible for directing the work of the  
66 personnel, subject to the requirements of this chapter, and in  
67 addition the district school superintendent shall perform the  
68 following:

69 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—



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70 (a) Recommend to the district school board duties and  
71 responsibilities which need to be performed and positions which  
72 need to be filled to make possible the development of an  
73 adequate school program in the district.

74 (b) Recommend minimum qualifications of personnel for these  
75 various positions, and nominate in writing persons to fill such  
76 positions.

77

78 The district school superintendent's recommendations for filling  
79 instructional positions at the school level must consider  
80 nominations received from school principals of the respective  
81 schools. The district school superintendent may assign an  
82 individual newly hired as instructional personnel to a school  
83 that has earned a grade of "F" in the previous year or any  
84 combination of three consecutive grades of "D" or "F" in the  
85 previous 3 years pursuant to s. 1008.34 if the individual holds  
86 a probationary contract pursuant to s. 1012.335(2) (a), holds a  
87 professional certificate issued pursuant to s. 1012.56, and has  
88 successful teaching experience and if, in the judgment of the  
89 school principal, students would benefit from the placement of  
90 that individual. Before transferring a teacher who holds a  
91 professional teaching certificate from one school to another,  
92 the district school superintendent shall consult with the  
93 principal of the receiving school and allow the principal to  
94 review the teacher's records, including student performance  
95 demonstrated under s. 1012.34, and interview the teacher. If, in  
96 the judgment of the principal, students would not benefit from  
97 the placement, an alternative placement may be sought. A  
98 principal may refuse the placement in accordance with s.



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99 1012.28(6).

100 Section 3. Paragraph (a) of subsection (2) of section  
101 1012.335, Florida Statutes, is amended to read:

102 1012.335 Contracts with instructional personnel hired on or  
103 after July 1, 2011.—

104 (2) EMPLOYMENT.—

105 (a)1. Beginning July 1, 2011, each individual newly hired  
106 as instructional personnel by the district school board shall be  
107 awarded a probationary contract. Upon successful completion of  
108 the probationary contract, the district school board may award  
109 an annual contract pursuant to paragraph (c).

110 2. Beginning July 1, 2014, a school district may assign  
111 newly hired instructional personnel to a school that has earned  
112 a grade of "F" in the previous year or any combination of three  
113 consecutive grades of "D" or "F" in the previous 3 years  
114 pursuant to s. 1008.34 if the newly hired instructional  
115 personnel:

116 a. Have received an effective rating or highly effective  
117 rating in the immediate prior year's performance evaluation  
118 under s. 1012.34;

119 b. Have successfully completed a professional education  
120 training program provided by Teach for America, hold a  
121 professional certificate issued pursuant to s. 1012.56, and hold  
122 a probationary contract pursuant to s. 1012.335(2)(a); or

123 c. Are recommended by the district school superintendent to  
124 teach in such school, hold a professional certificate issued  
125 pursuant to s. 1012.56, and hold a probationary contract  
126 pursuant to s. 1012.335(2)(a).

127 Section 4. The amendments made by this act to ss.



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128 1012.2315, 1012.27, and 1012.335, Florida Statutes, apply to  
129 contracts newly entered into, extended, or readopted on or after  
130 July 1, 2014. Upon renegotiating an existing collective  
131 bargaining agreement, the subsequent collective bargaining  
132 agreement must include a provision that conforms to the  
133 requirements of this act.

134  
135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137 Delete line 2

138 and insert:

139 An act relating to education; amending s. 1012.2315,  
140 F.S.; authorizing a school district to assign to a  
141 school that has earned failing grades over a certain  
142 period of time certain newly hired instructional  
143 personnel; authorizing collective bargaining  
144 provisions regarding the assigning of certain newly  
145 hired instructional personnel to a school that has  
146 earned failing grades; amending s. 1012.27, F.S.;  
147 authorizing a district school superintendent to assign  
148 certain newly hired instructional personnel to a  
149 school that has earned failing grades based on the  
150 judgment of a school principal; amending s. 1012.335,  
151 F.S.; authorizing a school district to assign certain  
152 newly hired instructional personnel to a school that  
153 has earned failing grades over a certain period of  
154 time; providing for applicability; amending s.