

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 950

INTRODUCER: Education Committee and Senator Stargel

SUBJECT: Education

DATE: April 21, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>Klebacha</u>	<u>ED</u>	<b>Fav/CS</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Fav/CS</b>
3.	<u>Elwell</u>	<u>Kynoch</u>	<u>AP</u>	<b>Pre-meeting</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 950 revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill authorizes the State Board of Education to adopt in rule additional examinations that may be used by teacher certification applicants to demonstrate mastery of subject area knowledge.

The bill requires that scientifically based reading instruction must be included in a district competency-based professional development certification program.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a state-board approved subject area test or another standardized examination in lieu of college course credit or inservice points.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.

The bill permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

The bill provides an effective date of July 1, 2014.

## II. Present Situation:

### Educator Certification

An educator in a traditional public school, including a charter school, must hold a certificate issued by the Florida Department of Education (DOE).<sup>1</sup> The DOE issues professional certificates,<sup>2</sup> temporary certificates,<sup>3</sup> and athletic coaching certificates.<sup>4</sup> In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught.<sup>5</sup> An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.<sup>6</sup>

To be eligible to seek certification, a person must meet the following basic eligibility requirements:<sup>7</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions and provide true, accurate, and complete information;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning<sup>8</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;<sup>9</sup>
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and

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<sup>1</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S. District school boards and charter school governing boards are authorized to hire noncertificated individuals to serve in an instructional capacity or as paraprofessionals. Rule 6A-1.0502, F.A.C, and ss. 1002.33(12)(f) and 1012.55(1)(c),

<sup>2</sup> Section 1012.56(7)(a), F.S. and Rule 6A-4.004(1), F.A.C. The professional certificate is valid for five years and is renewable. Section 1012.56(7)(a), F.S., and Rule 6A-4.004(3), F.A.C.

<sup>3</sup> Section 1012.56(7), F.S., and Rule 6A-4.004(1)(a), F.A.C. The temporary certificate is valid for three years and is nonrenewable.

<sup>4</sup> Rule 6A-4.004(4), F.A.C.

<sup>5</sup> Section 1012.57(1), F.S.

<sup>6</sup> Section 1012.57(4), F.S.

<sup>7</sup> Sections 1012.32, 1012.315 and 1012.56(2)(a)-(f), F.S.

<sup>8</sup> Section 1012.56(2)(c), F.S., and Rule 6A-4.003(1), F.A.C.

<sup>9</sup> For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

- Be competent and capable of performing the duties, functions, and responsibilities of an educator.

### ***Eligibility Requirements for a Temporary Certificate***

To be eligible for a temporary certificate, an applicant must:

- Meet the basic eligibility requirements for certification;<sup>10</sup>
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;<sup>11</sup> and
- Either:
  - Demonstrate mastery of subject area knowledge (*e.g.*, passage of the appropriate subject area exam);<sup>12</sup> or
  - Complete the subject content requirements specified in State Board of Education rule.<sup>13</sup>

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year of the date of employment.<sup>14</sup> If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.<sup>15</sup>

### ***Eligibility Requirements for a Professional Certificate***

To be eligible for a professional certificate, an applicant must:

- Meet the basic eligibility requirements for certification;<sup>16</sup>
- Demonstrate mastery of general knowledge;<sup>17</sup>
- Demonstrate mastery of subject area knowledge;<sup>18</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>19</sup>

### ***Demonstration of Mastery of General Knowledge***

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;<sup>20</sup>
- Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;<sup>21</sup>

<sup>10</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>11</sup> Rule 6A-4.004(1)(a)2., F.A.C.

<sup>12</sup> Section 1012.56(7)(b), F.S., and Rule 6A-4.0021(9), F.A.C. *See also Subject Area Knowledge*, Department of Education [http://www.fldoe.org/edcert/mast\\_sub.asp](http://www.fldoe.org/edcert/mast_sub.asp) (last visited March 7, 2014)

<sup>13</sup> Section 1012.56(7)(b), F.S.

<sup>14</sup> Section 1012.56(7), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>17</sup> Section 1012.56(2)(g) and (3), F.S.

<sup>18</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>19</sup> Section 1012.56(2)(i) and (6), F.S.

<sup>20</sup> Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Language Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.

<sup>21</sup> Section 1012.56(3)(b), F.S.

- Having a valid professional standard teaching certificate issued by another state,<sup>22</sup> by the National Board for Professional Teaching Standards (NBPTS),<sup>23</sup> or a national educator credentialing board approved by the State Board of Education;<sup>24</sup>
- Completing two semesters of successful teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program.<sup>25</sup>

### ***Demonstration of Mastery of Subject Area Knowledge***

Mastery of subject area knowledge may be demonstrated through any of the following methods:<sup>26</sup>

Achieving a passing score on the appropriate subject area exam required by State Board of Education rule;<sup>27</sup>

Attaining oral and written proficiency scores above the intermediate level on exams administered by the American Council on the Teaching of Foreign Languages (ACTFL) and completing a bachelor's or higher degree;<sup>28</sup> or

For certification in any subject area for which there is no subject area exam, completing the specialization requirements specified in State Board of Education rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.<sup>29</sup>

For a subject coverage requiring a master's or higher degree, achieving a passing score on the subject area examination specified in State Board of Education rule and completing the subject area specialization requirements specified in State Board of Education rule or;<sup>30</sup>

Holding a valid professional standard teaching certificate issued for a subject area by another state, by NBPTS, or by an educator credentialing board approved by the State Board of Education.<sup>31</sup>

<sup>22</sup> Section 1012.56(3)(c), F.S.

<sup>23</sup> Section 1012.56(3)(d), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 1012.56(3)(e), F.S.

<sup>26</sup> The DOE has identified subject areas and the corresponding subject area exams. See *Florida Teacher Certification Examinations (FTCE)* <https://app1.fldoe.org/ftce/Portal/FtceTests.aspx> (last visited March 8, 2014), and *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subjlist.asp> (last visited March 8, 2014).

<sup>27</sup> Section 1012.56(5)(a), F.S. Rule 6A-4.0243, F.A.C., specifies the specialization requirements for certification in the following world languages: Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, Spanish, and Turkish. There are subject area exams for French, German, Latin, and Spanish. See [http://www.fldoe.org/edcert/sub\\_exams.asp](http://www.fldoe.org/edcert/sub_exams.asp) (last visited March 8, 2014).

<sup>28</sup> Section 1012.56(5)(b), F.S. and Rule 6A-4.0243(1)(e), F.A.C.; See American Council on the Teaching of Foreign Languages (ACTFL), *Certified Proficiency Testing Program*, <http://www.actfl.org/professional-development/certified-proficiency-testing-program> (last visited March 8, 2014); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, [http://dev5.lti-inc.net/acad\\_fl2n.cfm](http://dev5.lti-inc.net/acad_fl2n.cfm) (last visited March 8, 2014).

<sup>29</sup> Section 1012.56(5)(c), F.S.

<sup>30</sup> Section 1012.56(5)(d), F.S.

<sup>31</sup> Section 1012.56(5)(e) and (f), F.S. and Rule 6A-4.002(1)(i)-(j), F.A.C. See also *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited March 8, 2014).

### ***Demonstration of Mastery of Professional Preparation and Education Competence***

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- Achieving a passing score on the professional education competency exam required by State Board of Education rule and:
  - Completing an approved teacher preparation program at a Florida or out-of-state postsecondary educational institution;<sup>32</sup>
  - Completing a competency-based professional development certification program offered by a school district or completing an Educator Preparation Institute program;<sup>33</sup> or
  - Completing professional preparation courses specified in State Board of Education rule and completing an approved professional education competence demonstration program;<sup>34</sup>
- Holding a valid professional standard teaching certificate issued by another state, NBPTS, or a national educator credentialing board approved by the State Board of Education;<sup>35</sup> or
- Documenting completion of two semesters of successful college teaching experience in a Florida College System institution, state university, or an accredited private college or university that awards an associate's or higher degree or at a nonaccredited institution of higher education identified by the DOE as having a quality program.<sup>36</sup>

### ***Professional Certificate Renewal and Reinstatement***

A state-issued professional certificate must be renewed every five years.<sup>37</sup> An educator must submit an application,<sup>38</sup> pay a fee,<sup>39</sup> and earn at least six college credits or 120 inservice points to renew professional certification.<sup>40</sup> At least three college credits or equivalent inservice points must be earned in each subject area for which renewal is sought.<sup>41</sup>

An expired professional certificate may be reinstated if the applicant:<sup>42</sup>

- Submits an application for reinstatement;
- Submits to fingerprinting and background screening; and
- In the five years immediately preceding the application for reinstatement, completes the college credit and inservice point requirements for renewal and passes the subject area exam for each subject area to be reinstated.

<sup>32</sup> Section 1012.56(6)(a) and (b), F.S.

<sup>33</sup> Section 1012.56(6)(g) and (8)(a)6., F.S.

<sup>34</sup> Section 1012.56(6)(f), F.S.

<sup>35</sup> Section 1012.56(6)(c) and (d), F.S.

<sup>36</sup> Section 1012.56(6)(e), F.S.

<sup>37</sup> Section 1012.585(2)(a), F.S.

<sup>38</sup> Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>39</sup> Section 1012.585(1)(a), F.S.

<sup>40</sup> Section 1012.585(3)(a), F.S.

<sup>41</sup> Section 1012.585(3)(a), F.S.

<sup>42</sup> Sections 1012.32 and 1012.585(5), F.S. and Rule 6A-4.0051(7), F.A.C.

## Postsecondary Educator Preparation Programs

Florida provides several pathways to meet professional teacher certification requirements, including traditional teacher preparation programs provided by universities and colleges for individuals seeking a degree.<sup>43</sup> The Educator Preparation Institutes (EPI) and school district competency-based professional development certification programs provide individuals who already have baccalaureate degrees with professional training on the competencies needed for professional certification.<sup>44</sup>

The law provides special requirements for peer mentors and postsecondary instructors and school district personnel who instruct and supervise students during their clinical experiences.<sup>45</sup> During field experience courses or internships, all school district personnel and instructional personnel who supervise or direct teacher preparation students in traditional teacher preparation programs and educator preparation institutes must:

- Have evidence of “clinical educator” training;
- Hold a valid state-issued professional certificate;
- Have at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an “effective” or “highly effective” rating on the prior year’s performance evaluation or be a peer evaluator under the district’s approved evaluation system.<sup>46</sup>

## Educator Performance Evaluations

Components of the each school district’s instructional personnel and school administrator performance evaluation system are divided into three parts: performance of students, instructional practice or leadership, (for instructional or administrative personnel, respectively), and professional responsibilities.<sup>47</sup> Florida’s educator evaluation system differentiates among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;<sup>48</sup> and unsatisfactory.<sup>49</sup>

## Assignment of Classroom Teachers to Schools Graded “D” or “F”

Current law prohibits school districts from assigning a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded “D” or “F”.<sup>50</sup> Each school district must annually certify to the Commissioner of Education that this requirement has been met.<sup>51</sup> If the Commissioner determines that a school district is not in compliance with this provision, the State Board of

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<sup>43</sup> Section s. 1004.04, F.S.

<sup>44</sup> Sections 1004.85 and 1012.56(8)(a), F.S.

<sup>45</sup> Sections 1004.04(5), 1004.85(6)., and 1012.56(8)(a)3., F.S.

<sup>46</sup> Sections 1004.04(5)(b) and 1004.85(6), F.S.

<sup>47</sup> Section 1012.34(3)(a), F.S.

<sup>48</sup> Section 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

<sup>49</sup> Section 1012.34(2)(e), F.S.

<sup>50</sup> Section 1012.2315(2), F.S.

<sup>51</sup> *Id.*

Education must be notified and must take action pursuant to s. 1008.32, F.S., to require compliance.<sup>52</sup>

### **School Grades**

Current law provides that the criteria for designating school performance grades for elementary schools, middle schools, and high schools, are based on a combination of student achievement, student learning gains, the improvement of the lowest 25th percentile of students in the school in Reading or English Language Arts and Mathematics, as measured by standardized statewide assessments, unless these students are exhibiting satisfactory performance.<sup>53</sup> For middle schools and high schools there are additional criteria for participation and performance in accelerated courses.<sup>54</sup> Additionally, high school criteria include graduation rates, postsecondary readiness, performance on statewide, standardized end-of-course assessments, and the growth or decline in specific high school data components.<sup>55</sup>

The law specifies the letter grades used to designate school performance: “A,” schools making excellent progress; “B,” schools making above average progress; “C,” schools making satisfactory progress; “D,” schools making less than satisfactory progress; and “F,” schools failing to make adequate progress.<sup>56</sup>

## **III. Effect of Proposed Changes:**

### **Educator Certification**

The bill revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and inservice requirements.

The bill deletes reference to the obsolete College Level Academic Skills Test (CLAST) that was used as a way to demonstrate mastery of general knowledge. According to the Department of Education (DOE), more than a decade has passed since this provision was enacted to provide a transition period for educator certification applicants who earned a passing score on the CLAST prior to July 1, 2002.<sup>57</sup>

The bill authorizes the State Board of Education to adopt in rule additional examinations that may be used by applicants to demonstrate mastery of subject area knowledge.<sup>58</sup> The State Board may adopt not only the world language exams administered by ACTFL, but also standardized subject area content knowledge examinations for which Florida has no examinations.

The bill requires that scientifically based reading instruction must be included in a district competency-based professional development program. According to the DOE, this provision

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<sup>52</sup> *Id.* Section 1008.32, F.S., provides for the State Board of Education’s oversight authority for the performance of district school boards in enforcing all laws and rules.

<sup>53</sup> Section 1008.34(3)(b), F.S.,

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Section 1008.34(2), F.S.

<sup>57</sup> E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

<sup>58</sup> *Id.*

aligns the program with the competencies required in other educator preparation programs approved by the department.<sup>59</sup>

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a state-board approved subject area test or another standardized examination in lieu of college course credit or inservice points.

The bill permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam.

In addition, the bill requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.<sup>60</sup> This will allow a teacher who holds a professional certificate to use college credits or inservice points earned through training in teaching students with disabilities, in excess of six semester hours during one certificate-validity period, toward renewal of the professional certificate during subsequent validity periods. For a teacher with a temporary certificate, the rules must allow college credits or inservice points earned through training in teaching of such students to be used toward renewal of the teacher's first professional certificate.

The bill requires the State Board of Education to adopt rules that would require an applicant for reinstatement of an expired professional certificate to earn a minimum of one college credit, or the equivalent inservice points, in the area of instruction for teaching students with disabilities. The credit may be included as one of the six college credits or equivalent inservice points the applicant must earn during the five years immediately preceding reinstatement of the expired certificate.

### **Assignment of Classroom Teachers to Schools Graded “D” or “F”**

The bill permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

Beginning July 1, 2014, a school district may assign newly hired instructional personnel if he or she:

- Has received an “effective” rating or “highly effective” rating in the immediate prior year's performance evaluation;

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<sup>59</sup> E-mail, Department of Education, March 7, 2014. On file with the Senate Education Committee.

<sup>60</sup> Pursuant to section 9 of chapter 2013-236, L.O.F., codified in s. 1012.585(3)(e), F.S., an applicant for renewal of a professional certificate must earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The law also provides that this requirement may not add to the total hours required by the DOE for continuing education or inservice training. This requirement is effective beginning July 1, 2014. Rule 6A-4.0051(6) and (7)(e), F.A.C., specifies how an educator may satisfy the one credit or 20 inservice points required for renewal of the certificate.



- Has successfully completed a professional education training program provided by Teach for America,<sup>61</sup> holds a certificate issued pursuant to s. 1012.56, F.S., and holds a probationary contract pursuant to s. 1012.335(2)(a), F.S.;<sup>62</sup> or
- Holds a probationary contract pursuant to s. 1012.335(2)(a), F.S., holds a certificate issued pursuant to s. 1012.56, F.S., has successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

A district school superintendent may assign newly hired instructional personnel to the school if he or she holds a probationary contract pursuant to s. 1012.335(2)(a), F.S., holds a certificate issued pursuant to s. 1012.56, F.S., has successful teaching experience, and, in the judgment of the school principal, students would benefit from the placement of that individual.

The bill provides an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

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<sup>61</sup> In order to be eligible for Teach for America's 2015 corps, an applicant must have: a bachelor's degree by June 2015; a 2.50 undergraduate GPA; and proof of U.S. citizenship, national/permanent resident status, or deferred action for childhood arrivals. Corps members participate in the TFA training and development program. *See* [https://www.teachforamerica.org/online/info/signUp.wbfl;jsessionid=37B6993DCF07D14AE14FE13B8576EB4D?\\_flowId=signUp-flow&\\_flowExecutionKey=e1s1](https://www.teachforamerica.org/online/info/signUp.wbfl;jsessionid=37B6993DCF07D14AE14FE13B8576EB4D?_flowId=signUp-flow&_flowExecutionKey=e1s1), and <http://www.teachforamerica.org/why-teach-for-america/training-and-support> (last visited March 12, 2014). According to the DOE, a Teach for America teacher, like any other new teacher candidate, may currently obtain a temporary Florida educator certificate that is valid for three years, provided he or she has a major in the certification subject or passes the Florida subject area test. Once employed all teachers on a temporary certificate must pass the general knowledge certification test in the first year to maintain employment. E-mail, Department of Education, March 12, 2014. On file with the Senate Education Committee.

<sup>62</sup> Beginning July 1, 2011, each individual newly hired as instructional personnel by the district school board must be awarded a probationary contract. Upon successful completion of the probationary contract, the district school board may award an annual contract. Section 1012.335(2)(a), F.S. A probationary contract must be awarded regardless of previous employment in another school district or state. Section 1012.335(1)(c), F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1012.2315, 1012.27, 1012.56, and 1012.585.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education on March 11, 2014:**

The committee substitute:

- Permits an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam; and
- Permits the assignment of newly hired instructional personnel to a school that has earned a grade of “F” in the previous year or any combination of three consecutive grades of “D” or “F” in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

**B. Amendments:**

None.