

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2432

SPONSOR: Education Committee and Senator Cowin

SUBJECT: Personnel of School System

DATE: April 3, 2000 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 2432 revises requirements for educator certification to:

- ▶ Require alternative options for certification to be developed by the Department of Education rather than by school districts.
- ▶ Require new certification examinations by July 1, 2002. The examinations must be rigorous and aligned with the Sunshine State Standards.
- ▶ Simplify the conditions for issuing temporary certificates.
- ▶ Lengthen by 1 year the validity of a temporary certificate and limit its renewal to one 2 year period, available only in extenuating circumstances.
- ▶ Require teachers who have statements of eligibility status but no certificate to provide any requested documentation related to criminal history records within 90 days.
- ▶ Provide full reciprocity for out-of-state educators who hold a standard certificate and who have 3 years teaching experience, or who hold a standard certificate and a National Board for Professional Teaching Standards Certificate.
- ▶ Require districts rather than the state to identify the minimal qualifications for career specialists.

The Committee Substitute amends other school personnel statutes to:

- ▶ Add to the authority of the Department of Education to oversee the professional development of administrators.
- ▶ Transfer to the department the duties of the obsolete Florida Council on Educational Management and the duties of the Office of Teacher Recruitment and Retention Services.
- ▶ Authorize a deferred prosecution agreement for educators with certain types of impairment who enroll in a recovery network.
- ▶ Add to the membership of the Education Practices Commission.
- ▶ Require revocation of certificates for repeat offenders.
- ▶ Enact numerous technical changes, including changing the name of the Division of Human Resource Development to the Division of Professional Educators, clarifying requirements of teacher preparation programs, deleting obsolete provisions, and correcting cross-references.

- ▶ Authorize eligibility for the Critical Teacher Shortage Loan Forgiveness Program to teachers at publicly funded schools, rather than just public schools under the control of a school district.

The legislation makes changes in authorized fees related to educator certification and removes a cap on the fee subsidy available to teachers who are pursuing national certification under the Excellent Teaching Program. It authorizes nationally certified teachers to earn the mentoring bonus for work conducted outside the school district.

The bill authorizes a Mentor Teacher School Program for up to 400 schools. Each will receive a grant of \$50,000 to design and implement a multi-level career path from education paraprofessional to mentor teacher. A mentor teacher is to receive double the salary of an average classroom teacher.

This Committee Substitute amends the following sections of the Florida Statutes: 20.15, 230.303, 231.15, 231.17, 231.1725, 231.24, 231.261, 231.263, 231.28, 231.30, 231.600, 231.625, 231.6255, 236.081, 236.08106, 240.4063, and 240.529. It repeals sections 231.0861, 231.087, 231.173, and 236.0811. It creates one new statute, as yet undesignated.

II. Present Situation:

In ch. 99-398, L.O.F., the A+ Plan, the Legislature required the Department of Education to review all statutes and rules relating to educator certification. The review was to identify ways to:

- ▶ Make the certification process more efficient.
- ▶ Make the certification process more responsive to the needs of school districts and educators.
- ▶ Provide more alternative certification options for those who possess subject area expertise but have not completed a traditional teacher education program.

Within the study, the Department was required to:

- ▶ Evaluate the rigor of assessment instruments and passing scores required for certification.
- ▶ Consider components of more rigorous and efficient certification systems in other states.
- ▶ Maintain rigorous standards for initial and continuing certification.

The *Review of Florida Educator Certification* describes many problems associated with the recruitment and preparation of high-quality teachers. Most of the problems are a result of “a dichotomy between stringently rigorous requirements versus a hodgepodge of flexible options.” The report concludes in part that Florida’s current certification system “creates barriers to recruitment of qualified individuals from other states and professions.” A number of changes are recommended for rules of the State Board of Education and the Florida Statutes.

Chapter 20, F.S., creates the state agencies and the divisions within them, including the Department of Education. Chapter 231, F.S., contains the majority of requirements for teachers and administrators of public schools, including state certification, continuing education through professional development, and qualifications for initial and continued employment in the public schools. Chapter 236, F.S., governs funding for Florida’s education system.

III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 2432 is an omnibus act that makes changes in a number of related statutes to implement the recommendations of the *Review of Florida Educator Certification* by the Department of Education. For clarity, this analysis considers each section of the bill in turn with a brief statement of the present situation and the effect of the proposed changes enacted by each section.

Section 1. (Amends s. 20.15, F.S.)

Changes the name of the Division of Human Resource Development within the Department of Education. The new name is the Division of Professional Educators.

Section 2. (Amends s. 230.303, F.S.)

Transfers responsibility for the program to develop leadership and performance compensation for superintendents. The program is transferred to the Department of Education from the obsolete Florida Council on Educational Management.

Section 3. (Amends s. 231.15, F.S.)

Deletes provisions that are relocated with modifications to s. 231.17, F.S., by Section 4 of the bill.

Section 4. (Amends s. 231.17, F.S.)**PRESENT SITUATION:**

This section contains the majority of the provisions governing qualifications for initial eligibility for and renewal of a Florida educator's certificate.

Statement of Eligibility/Criminal History

A qualified applicant for an educator's certificate in Florida receives a statement of eligibility status, not a certificate, and is employed based on the statement of eligibility. The actual certificate is not issued until the applicant is employed in a position that requires a certificate, and the school district submits a cleared criminal history report. Under current law, there are no consequences for an applicant who acknowledges a criminal history or whose fingerprint report indicates a criminal history and who does not submit the additional information required to determine if there is cause to deny the application. Therefore, a person with a criminal record may remain conditionally employed as a teacher until the application expires, without ever having a complete review of the record either to clear it and issue a certificate or to deny it for reasons of moral turpitude.

Out-of-State Teachers

Current provisions for qualified out-of-state teachers are contained in s. 231.173, F.S., and provide eligibility for the academic coverage in which the teacher is assigned to teach during the first year of employment in Florida. In other words, no matter what subject areas the teacher is certified to teach in another state, that teacher will be certified in Florida only if the subject he or she is teaching is also on the out-of-state certificate. If the initial assignment is in an out-of-field subject, the teacher will not be eligible for a Florida certificate. According to the *Review of Educator Certification*, this provision is unduly restrictive: "[Full] recognition of prior performance by issuance of a Professional Certificate is restricted to a prescriptive initial employment assignment within the State of Florida . . . The purpose of state certification is blurred

in the distinctly separate arena of district employment decisions, to the detriment of experienced applicants.”

Temporary Certificates

Current certification policies provide for issuance of a 2-year nonrenewable temporary certificate and for six different circumstances in which the validity period of a temporary certificate may be extended for either one or two years.

Certification in Speech-Language-Impairment

Although a master’s degree is required for the certification coverage of speech language impairment, a special provision in law allows for issuance of one 1-year temporary and one nonrenewable 5-year professional certificate to applicants who hold a bachelor’s degree in speech language impairment and who are working toward completion of the required master’s degree.

Tests

State law requires the professional education competencies for teachers to be aligned with the Sunshine State Standards for children, but the requirements for content specialization are not so aligned. Current law provides for use of a passing score on a test of subject-matter competency solely for the addition of another subject to an existing professional certificate. Mastery of general knowledge, professional knowledge, and subject matter knowledge may be demonstrated by passing scores on the College Level Academic Skills Test (for general knowledge), tests designated by the State Board of Education, or tests from the National Teacher’s Examination or its successors. These tests are not aligned with the Sunshine State Standards.

Alternative Certification

School districts are authorized to establish their own alternative certification program for teachers, if approved by the state Department of Education. There is no provision for a state-developed alternative certification program. Only Hillsborough County has implemented a successful, state-approved alternative certification program, and two more are nearing the end of the planning stage. The Hillsborough County model requires a candidate to obtain employment by the school district, earn a temporary certificate, and enter into an agreement with a participating school to satisfy demonstration of professional education competencies and professional preparation course work. Under that program, called Preparing New Educators, 74 new teachers have been employed for the 1999-2000 school year.

EFFECT OF PROPOSED CHANGES:

This section of the bill combines a number of related provisions into one section, including all testing requirements for educators and all certification requirements.

Statement of Eligibility/Criminal History

The bill establishes a 90 day period within which an applicant with a criminal history must submit requested information or render the statement of eligibility and pending application invalid.

Temporary Certificates

The validity period of a temporary certificate will be 3 years, with a single provision (instead of six) for a 2 year reinstatement due to extenuating circumstances affecting the educator’s ability to complete the requirements for professional certification.

Tests

Effective July 1, 2002, the bill establishes the option of using a passing score on a test of subject matter competency to determine eligibility either for an initial certificate or for adding a subject area coverage to a professional certificate. Effective July 1, 2002, the bill requires tests for demonstration of mastery of general knowledge, professional knowledge, and subject-area knowledge that are aligned with student standards. The delivery system for all these tests must provide for overall efficiency, "user-friendly" application, reasonable accessibility, and prompt attainment of results. The examination for subject-matter knowledge must be comprehensive enough to assess the expertise for those who have acquired knowledge through means other than college credit. Current provisions for testing remain in place until that date.

Certification in Speech-Language-Impaired

The bill deletes the authority to issue one 2-year temporary certificate and one nonrenewable 5-year professional certificate to qualified applicants who hold a bachelor's degree in the area of speech language impairment, while the applicants complete requirements for a master's degree.

Alternative Certification

Effective July 1, 2002, the bill authorizes the Department of Education to develop a competency-based alternative preparation program by which applicants with subject area expertise may satisfy professional education course requirements and demonstration of professional education competencies. The current authority for districts to develop their own alternative certification programs will remain in place until that date.

Out-of-State Teachers

The bill relocates to s. 231.17, F.S., the requirements for out-of-state teachers to qualify for a Florida certificate (currently in s. 231.173, F.S.). The requirement is omitted that makes an out-of-state teacher eligible for the academic coverage area in which the teacher is assigned to teach in Florida. Instead, the teacher will be certified in the coverage areas of the out-of-state certificate that correspond to coverages designated by the State Board of Education. Instead of requiring 5 years of teaching, 2 years of which must be continuous and during the previous 5 years, the requirement will be 3 continuous years of teaching or administrative experience during the 5-year period immediately preceding the application.

Technical Changes

The bill deletes reference to an obsolete provision for nondegreed teachers, corrects cross references to statutes that are repealed by the bill, and makes technical changes to conform to current bill drafting convention, such as using the active voice and reducing the use of otiose constructions.

Section 5. (Amends s. 231.24, F.S.)

The bill adds career specialists to the group of school personnel for whom the Department does not issue an educator's certificate; the local school districts will establish qualifications for employment.

Section 6. (Amends s. 231.24, F.S.)**PRESENT SITUATION**

To cover part of the cost of maintaining and operating the statewide certification database and the expenses of printing and mailing the certificates, districts currently pay \$20.00 to the department for each professional certificate each time it is renewed.

EFFECT OF PROPOSED CHANGES

The bill authorizes the State Board of Education to designate the fee. Also, the bill authorizes a certificate issued by the National Board of Professional Teaching Standards to satisfy a Florida certificate in a subject that corresponds to the subject shown on the national certificate.

Section 7. (Amends s. 231.261, F.S.)

PRESENT SITUATION

The Education Practices Commission investigates complaints against educators and determines if the findings warrant disciplinary action against the certification status. The commission conducts its business using several panels of members. The commission is limited to 15 members and finds it difficult to generate a quorum each time a panel meets.

EFFECT OF PROPOSED CHANGES

The bill adds two additional lay members to the Education Practices Commission and revises the membership of the teacher and administrator hearing panels. They will be seven-member panels with four members to be teachers or administrators, respectively. Four members at a panel meeting will constitute a quorum.

Section 8. (Amends s. 232.263, F.S.)

PRESENT SITUATION

The Educator's Recovery Network Program assists impaired teachers to obtain treatment to overcome alcohol abuse, drug abuse, or a mental condition. It does not provide for deferring prosecution by the Education Practices Commission. According to counsel with the Department of Education, an impaired educator who is in the program may generate evidence in his or her favor that would affect a disciplinary hearing, if prosecution could be deferred under certain restricted circumstances.

EFFECT OF PROPOSED CHANGES

The bill adds headings to the statute's provisions and adds a subsection authorizing conditions that allow deferred prosecution agreements with educators who have not previously been investigated. The bill establishes the following requirements for enrollment in a treatment program by the Recovery Network Program. The educator must:

- ▶ Acknowledge the impairment.
- ▶ Agree to evaluation.
- ▶ Agree to enroll in an appropriate treatment program approved by the recovery network program.
- ▶ Execute releases to the program for all medical and treatment records regarding the impairment.
- ▶ Enter into a deferred prosecution agreement with the commissioner while the educator is properly enrolled in the treatment program and is successfully completing the program.
- ▶ Have no evidence of chronic impairment as evidenced by previous participation in a treatment program or arrests for minor drug offenses or any more severe infractions.

The commissioner will enter into a deferred prosecution agreement only if it is in the best interest of the state to retain the educator's service; the bill states that there is no implied obligation to do so.

Section 9. (Amends s. 231.28, F.S.)

This section of law contains the conditions that authorize or require the Education Practices Commission to discipline educators. The bill will require the commission to take action against an educator's certificate under certain conditions that indicate repeat infractions. The conditions include two separate occasions in which action has been taken against the certificate or in which the educator entered a settlement agreement for a second time, or any combination of those two conditions. The commission must issue a final order or settlement agreement revoking the certificate for a minimum of 1 year, if the commissioner finds probable cause for a third time, or finds that the allegations are proven or admitted to.

Section 10. (Amends s. 232.30, F.S.)

PRESENT SITUATION

This section of law establishes a \$60 fee cap for certification examinations. According to the *Review of Florida Educator Certification*, "Whereas the costs of developing and administering the commercially developed tests are generated from the fees charged to the test takers, the costs incurred in the development and administration of the tests developed within Florida are only partially recouped from the fees charged to test takers. For example, in the 1999-2000 fiscal year, test administration and development will cost about \$1,805,000, and about 34,500 candidates are expected to register for an exam. The cost per registration is $\$1,805,000/34,500 = \52 per test. The candidates will pay only \$25 for registration. More than one half of the actual testing cost is paid by Legislative appropriation for the Professional Education and Subject Area Examinations (Florida Department of Education: Bureau of Curriculum, Instruction, and Assessment, October, 1999) The entire cost of the College Level Academic Skills Test (CLAST) is paid for by Legislative Appropriation, with no charge to the test taker (Ibid.)."

EFFECT OF PROPOSED CHANGES

The \$60 fee cap will be eliminated July 1, 2002. The fee will be based on the cost of developing and administering the examination.

Section 11. (Amends s. 231.600, F.S.)

This section revises the district professional development system. It requires the department to approve the system and requires activities for instructional personnel to focus on subject content and methods. The system must include the district inservice master plan for all employees and be updated annually. By October 1 each year, the district must submit verification of compliance to the commissioner. Each principal must establish an individual professional development plan for each instructional employee. The plan must be related to student performance data of the students that are assigned to the teacher and must include an evaluation component. The system must include inservice activities for school administrators that address skills for effective school leadership and management.

The system must include components to address the recruitment, preparation, and professional development of school administrators. The knowledge, competencies and skills for administrators must align with the student performance standards. The department will approve the administrator

preparation programs, which may include alternative means for preparation and the hiring of qualified out-of-state school administrators.

The commissioner will appoint a task force to convene periodically to recommend improvements in the system.

Sections 12, 13, and 14 make technical changes to delete reference to the Office of Teacher Recruitment and Retention, which no longer exists, and to correct a cross reference.

Section 15. (Amends s. 236.08106, F.S.)

PRESENT SITUATION

The 1998 Legislature created the Excellent Teaching Program to encourage Florida teachers to seek certification by the rigorous National Board of Professional Teaching Standards (NBPTS). The 1998 Legislature appropriated \$12 million to assist teachers with the cost of preparing their portfolios and paying the certification fee, and then to pay them annual salary bonuses if they earn a national certificate, continue teaching in Florida public schools, and mentor other teachers within their school district. The portfolio assistance is \$150 and the state will pay up to 90 percent of the certification fee, but not more than \$1,800.

Over 1,700 of the state's teachers sought NBPTS certification and over 500 have earned it.

The NBPTS has raised the application fee from \$2,000 to \$2300.

Teachers must be employed by a school district to be eligible for the program. Since the Florida School for the Deaf and the Blind is not a school district, its teachers are ineligible.

EFFECT OF PROPOSED CHANGES

The Committee Substitute will eliminate the cap of \$1,800 on the fee subsidy and will authorize nationally certified teachers to provide mentoring and assistance to teachers in surrounding counties and the state level. It will authorize teachers at the Florida School for the Deaf and the Blind to participate in the program.

Section 16. (Creates a new statute, as yet undesignated.)

The bill authorizes a Mentor Teacher School Program for up to 400 schools. Each will receive a grant of \$50,000 to design and implement a multi-level career path from education paraprofessional to mentor teacher. A mentor teacher is to receive double the salary of an average classroom teacher.

The essential elements are to:

- (a) Provide teachers with five-level career paths beginning with an education paraprofessional and rising to mentor teacher. The levels must have highly differentiated duties. The mentor teacher will have reduced teaching duties and an 11-month or a 12-month contract to permit weekly instruction of all students under the mentor teacher's supervision. The mentor teacher is to be a coach, a facilitator of curriculum development, and a provider of staff development.
- (b) Establish broad salary ranges with flexibility to reward and attract teachers to hard-to-staff schools. Mentor teachers are eligible for a salary twice the average district classroom

teacher's salary. Fifty percent of the mentor teacher salary incentive must be based on student performance.

- (c) Provide on-going professional development that includes a daily block of time for teachers to interact with the mentor teacher.
- (d) Provide all eligible teachers with an opportunity for national certification.
- (e) Provide for teams of teachers and paraprofessionals.

The five career levels are:

- (a) Education paraprofessional learning guide who must have an associate's degree.
- (b) Associate teacher who must have a bachelor's degree and a full-time teaching certificate.
- (c) Teacher who must have a bachelor's degree, a valid full-time certificate, at least three years of teaching experience, satisfactory performance, and evidence of increased student performance.
- (d) Lead teacher who must have a bachelor's degree, a valid teaching certificate, at least three years of teaching experience, exemplary performance, and significant increased student performance.
- (e) Mentor teacher who must:
 1. Have a bachelor's degree, five years of teaching experience, a valid Professional Certificate, National Board certification or a teacher of the year designation, and expertise as a staff developer, or
 2. Have completed a Professional Teaching Fellowship pursuant to Senate Bill 748 or similar 2000 Regular Session legislation.

The Commissioner of Education may adopt rules necessary for the administration of this section and the approval of the mentor teacher school programs. This section is to be implemented to the extent funded by the General Appropriations Act.

Section 17. Amends s. 240.4063, F.S.

PRESENT SITUATION:

This section governs the Florida Teacher Scholarship and Forgivable Loan Program and the Florida Critical Teacher Shortage Forgivable Loan Program for teachers who work in the critical areas designated by the Department of Education. The teachers are required to be employed in a "public school," which is defined in s. 228.041, F.S., as "authorized by law to be operated under the control of school boards . . ." Some alternative schools are operated by the Department of Juvenile Justice under contract with the local school board. Occasionally, these schools allow a few tuition-paying students to enroll, if the parents wish to provide an alternative setting and the students are not eligible for state funding under the Department of Juvenile Justice. Since the schools do not meet the definition of a public school, teachers in critical shortage areas are not eligible to have their student loans repaid, even if they meet all the other criteria for the program.

EFFECT OF PROPOSED CHANGES:

A teacher will be eligible for loan repayment under the Critical Teacher Shortage Forgivable Loan Program for teaching at a "publicly funded" school and meeting all the other requirements of the program. For purposes of the program only, a publicly funded school is defined as a school "that receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education."

Section 18. Amends s. 240.529, F.S.

PRESENT SITUATION:

Subsection (4) of this section governs the continuation of program approval for teacher preparation programs. It requires the Education Standards Commission to adopt rigorous criteria to evaluate the performance of the graduates of state-approved programs. For instance, criteria must be developed to evaluate new teachers based on measures of improvement in performance of students “who have traditionally failed to meet student achievement goals and have been over represented in school suspensions and other disciplinary actions.” Members of the Commission point out that seasoned teachers are not held to such high standards, that it is not feasible to identify the individual students within the groups that must show improvement, and that a standard procedure for measuring gains in student achievement is not yet available.

EFFECT OF PROPOSED CHANGES:

The Education Standards Commission will be required to assure that teacher preparation programs emphasize instruction in classroom management. The Commission will evaluate teacher candidates’ performance in classroom management as a whole, not just on the improvements in performance of students who have traditionally failed or been suspended or frequently disciplined.

Section 19.

This section repeals s. 231.0861, F.S., which relates to selection of principals and assistant principals; s. 231.087, F.S., which relates to management training; and s. 236.0811, which relates to school board educational training programs. Those provisions are amended and relocated by section 11 of the bill. It repeals s. 231.173, F.S., relating to out of state teachers. Those provisions are amended and relocated by section 4 of the bill.

Section 20.

Provides an effective date of July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Effective in 2002, fees for required teacher examinations are likely to increase. According to staff of the Department of Education's Office of Assessment and Evaluation, to fully fund the costs of developing a new test, the fee will be \$78 per test, or \$234 for three tests.

Teachers in up to 400 schools will be eligible for pay increases up to double the average salary of other teachers in the district, if they can qualify as mentor teachers.

Teachers attempting national certification will be eligible for an increase of \$270 in the fee subsidy.

C. Government Sector Impact:**Tests**

The Committee Substitute will require the department to incur the costs of developing tests of general knowledge, professional knowledge, and subject-area knowledge that are aligned with student standards. According to the Department of Education, this development will cost about \$23 million divided across 6 fiscal years. If the program is entirely funded by applicant examination fees, there will be no cost to the state, other than an appropriation in 2001 of \$1.5 million as start-up costs, in addition to the \$3.7 million requested by the Department in its original appropriation request for professional certification examinations.

Mentor Teacher School Pilot Program

If 400 schools are authorized to participate in the pilot program, the cost will be \$20 million. The bill requires the following additional changes that are likely to obligate the districts to additional appropriations in future years:

- ▶ Mentor teachers are to have reduced teaching duties and 12-month contracts.
- ▶ All teachers are to have daily blocks of time to interact with the mentor teacher.
- ▶ Salaries are to be broad-ranging and flexible enough to reward and attract teachers to hard-to-staff schools.
- ▶ Teachers and paraprofessionals are to work in teams.

Excellent Teaching Program

If 1,500 teachers attempt national certification, the increased fee subsidy will cost the state an additional \$405,000.

Staff of Department of Education

The department estimates that the additional requirements of the bill will require an additional \$100,000 for staff.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
