

STORAGE NAME: h0063s2z.edk
DATE: June 19, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-301, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION K-12
FINAL ANALYSIS**

BILL #: CS/CS/HBs 63 & 77 and CS/HBs 891, 995, 2009, and 2135

RELATING TO: Teacher Quality (EDUCATE 2000)

SPONSOR(S): Committee on Education K-12, Committee on Education Innovation, and Representatives Lynn, Diaz de la Portilla, Byrd, Farkas, Putnam, and Roberts

TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12 YEAS 10 NAYS 0
- (2) EDUCATION APPROPRIATIONS YEAS 12 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

The bill, titled EDUCATE 2000 (Educators Developing Unequaled Competence Act: Teaching Excellence 2000) addresses a variety of teacher quality issues, including the following:

- Requires principals' recommendations for the assignment of instructional personnel to be made to the superintendent and requires consideration of the recommendations by the superintendent and school board.
- Creates an incentive pay program for effective teachers who teach at "D," "F," and alternative schools.
- Provides full reciprocity for out-of-state teachers who hold a standard teaching certificate and who have 2 years of teaching experience, or who hold a standard teaching certificate and a National Board for Professional Standards certificate.
- Requires new certification examinations by July 1, 2002. The examinations must be aligned with the Sunshine State Standards.
- Authorizes a deferred prosecution agreement for educators with certain types of impairment who enroll in a recovery network.
- Creates the Student Fellowship Program to provide forgivable loans to rising juniors or education paraprofessional learning guides who pursue a bachelor's degree and teach in Florida's public schools.
- Amends the Florida Teachers Lead Program to provide direct stipends to teachers for the purchase of classroom supplies.
- Creates the Florida Mentor Teacher School Program to establish a pilot program to provide teachers with five-level career paths. Mentor teachers in the program will be eligible for a salary of up to twice the average district classroom's salary.
- Provides bonuses for teachers who teach Advanced Placement courses.
- Adds accountability criteria to teacher preparation programs through the annual school profile and employer satisfaction ratings.

The Legislature appropriated \$12.25 million (S.A. 100B) to provide incentive pay for effective teachers to teach at "D," "F," and alternative schools and \$1 million (S.A. 104) for the Mentor Teacher School Pilot Program. Funds were not appropriated for the Student Fellowship Program. DOE estimates that the development of the new teaching examinations will cost approximately \$23 million total over the next six years. To defray a significant portion of the exam cost, effective 2002, fees required for teacher examinations are likely to increase; however, the fee increase is capped at \$100.

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The effective date of the bill is July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. PRESENT SITUATION:

In 1999, the Legislature passed the A+ Plan (Chapter 99-398, LOF) that required the Department of Education to review all statutes and rules relating to teacher 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 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 State Board of Education rules and Florida Statutes.

During the 1999 interim, the House Education K-12 Committee conducted an Interim Project on the Review of the School Code. Some recommendations of that review such as, conforming of terminology and relocation of statutes are included in this bill. The main recommended terminology changes are as follows:

- Consolidating the terms "pupils" and "students" to "students."
- Consolidating the terms "district superintendent," "superintendent," "superintendent of schools," and "superintendent of the district" to "superintendent of schools."
- Consolidating the terms "district board," "board," "school board," "district school board," and "board of the district" to "district school board."
- Consolidating the terms "regulations" and "rules" to "rules."
- Consolidating the phrases "is authorized to," "is encouraged to," and "may" to "may."

C. EFFECT OF PROPOSED CHANGES:

See Section-by-Section analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: EDUCATE 2000

The bill creates EDUCATE 2000 which stands for Educators Developing Unequaled Competence Act: Teaching Excellence 2000.

Section 2: Department of Education (Amends s. 20.15(3)(e), F.S.)

The bill changes the name of the Division of Human Resource Development within the Department of Education to the Division of Professional Educators.

Section 3: Authority of School Boards (Amends s. 230.23(5)(a) and (c) and (16)(c), F.S.)

CURRENT SITUATION:

Principal Nominations of Personnel

Section 230.23(5)(a), F.S., requires school boards to designate positions to be filled, prescribe qualifications for the positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees of the school boards. The board must act upon the written recommendations submitted by the superintendent for filling positions. The board may reject the superintendent's recommendations for good cause and may act on its own to employ a person to fill a position if the superintendent fails to submit a nomination within certain time constraints. There is no provision to require principal input in the superintendent's recommendations.

Performance Pay Policy

Section 230.23(5)(c), F.S., requires by June 30, 2002, that school boards adopt a performance pay policy which must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance. The policy is subject to negotiation as provided in Chapter 447, F.S. Employees who demonstrate outstanding performance must be allowed to earn 5 percent of their individual salary. Even though the intent of the law is to provide for a 5 percent bonus, there has been some confusion as to whether the 5 percent performance pay amount is in addition to the employee's salary or part of the base of the salary.

Teacher Incentive Pay at "D," "F," or alternative schools

There is currently no state-required program to incentivize highly effective teachers to teach at "D," "F," or alternative schools.

EFFECT OF PROPOSED CHANGES:

Principal Nominations of Personnel

The bill requires the superintendent's recommendations which are submitted to the school board for filling institutional positions at the school level to consider nominations received from school principals.

Performance Pay Policy/Salary Schedules

The bill clarifies the 5 percent performance pay policy. By June 30, 2002, *or beginning with the full implementation of an annual assessment of learning gains, whichever occurs later,*

the school board must adopt a budget that includes a reserve to fully fund an **additional 5 percent** supplement for school administrators and instructional personnel. Employees who demonstrate outstanding performance as measured under s. 232.19, F.S., must be allowed to earn a **5 percent supplement in addition** to their individual, negotiated salary. The supplements will be funded from the reserve funds adopted in the salary schedule.

The bill also requires school boards, when determining a salary schedule, to consider prior professional experience in the field of education gained in positions other than district and administrative level positions. For example, a science teacher who leaves the school district and teaches science at a museum, corporation, or other entity and returns to the school district should be given consideration for those years of teaching science outside the regular public school classroom setting. This is a concept that is commonly used at the university level.

Teacher Incentive Pay at "D," "F," and alternative schools

The bill requires each school district in which there is a "D," "F," or alternative school serving disruptive or violent youths to develop a plan to encourage teachers who demonstrate mastery in improving student performance to remain at or transfer to that school. For the initial implementation in 2000-2001 and until full implementation of the annual assessment of student learning gains, a classroom teacher who is selected by the school principal based on the teacher's performance appraisal and student achievement data to teach at a "D," "F," or alternative school will receive a supplement of at least \$1,000, not to exceed \$3,500, each year he or she teaches at the "D," "F," or alternative school.

Beginning with the full implementation of an annual assessment of learning gains, a classroom teacher who has been proven to be effective based upon positive learning gains of his or her students is eligible for an annual supplement of at least \$1,000, not to exceed \$3,500, each year the teacher teaches in a "D," "F," or alternative school. This supplement is in addition to any other supplements received because of local or state incentive pay programs. The bill requires the Commissioner to adopt rules to determine the measures that define "teaching mastery."

Section 4: Superintendent of Schools (Amends s. 230.303(6), F.S.)

The bill transfers responsibility for the leadership development and performance compensation program for superintendents to the Department of Education from the obsolete Florida Council on Educational Management.

Section 5: Duties and Responsibilities of Superintendent of Schools (Amends s. 230.33, F.S.)

CURRENT SITUATION:

Section 230.33, F.S., requires a superintendent to nominate in writing persons to fill positions to make possible the development of an adequate school program in the district. There is no requirement for the superintendent's nominations to consider recommendations from his or her school principals.

EFFECT OF PROPOSED CHANGES:

The bill requires superintendents to consider recommendations received from the principals of those schools when making nominations of persons to fill instructional positions at schools.

Section 6: School District Personnel Policies (Amends s. 231.001, F.S.)

This section consolidates terminology.

Section 7: Teacher Quality (Amends 231.002, F.S., and repeals 231.002(2), F.S.)

This section repeals unnecessary intent language and relocates minimum qualifications for professional certification from s. 231.17, F.S., to a new subsection outlining qualities of effective educators.

This section outlines that highly effective educators are able to do the following:

- Write and speak in a logical and understandable style using appropriate grammar and sentence structure and demonstrate a command of standard English, enunciation, clarity of oral directions, and pace and precision in speaking.
- Read, comprehend, and interpret professional and other written material.
- Compute, think logically, and solve problems.
- Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve performance.
- Recognize patterns of physical, social, emotional, and intellectual development in students.
- Recognize and demonstrate awareness of the education needs of limited English proficient students and employ appropriate strategies.
- Use and integrate technology in the classroom.
- Use assessment and other diagnostic strategies to assist in the continuous development and acquisition of knowledge of the learner.
- Use teaching and learning strategies that include consideration of each student's learning styles, needs, and background.
- Demonstrate the ability to maintain a positive collaborative relationship with the student's families.
- Recognize the signs of a tendency to violence and apply techniques of intervention.
- Recognize the signs of alcohol and drug abuse in students and know how to assist and work with such students.
- Recognize the signs of child abuse and know rights and responsibilities of reporting.
- Demonstrate the ability to maintain a positive environment in the classroom.
- Demonstrate the ability to use grades effectively.
- Demonstrate knowledge and understanding of the value of and strategies for promoting parental involvement.

Section 8: Qualifications of Personnel (Amends s. 231.02(1)(a) and (2), F.S.)

This section fixes a statutory note and conforms terminology.

Section 9: Periodic Criminal History Record Checks (Amends s. 231.045, F.S.)

This section consolidates terminology.

Section 10: Duties of Principals (Amends s. 231.085, F.S.)

CURRENT SITUATION:

Section 231.085, F.S., requires public school principals to be responsible for the performance of all personnel employed by the school board and assigned to the principal's school. There is no requirement that principals make recommendations to the superintendent for instructional personnel to be assigned to his or her school.

EFFECT OF PROPOSED CHANGES:

The bill requires public school principals to make recommendations to the superintendent for any instructional personnel to be assigned to that principal's school.

The bill also requires principals to assist the teachers within the school to use student assessment data for self-evaluation.

Section 11: Selection of Principals (Repeals s. 231.0861, F.S.)

This section repeals statutory requirements for the selection of principals and assistant principals to provide school districts greater flexibility to hire qualified administrators.

Section 12: Management Training Act (Repeals s. 231.087, F.S.)

The Management Training Act of 1981 provides the criteria, training programs, and requirements for becoming eligible to be a principal or manager in Florida public schools. This Act creates the Florida Council on Educational Management (Council), the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study. In the 1999 session, the Legislature repealed the Act in Chapter 99-298, LOF, effective June 30, 2000. DOE concurred with the Legislative repeal of the Act and made recommendations for the transfer of duties of the Council to the Department of Education. This section sustains that repeal.

Section 13: Duties of Instructional Personnel (Amends 231.09, F.S.)

This section conforms terminology.

Section 14: Teachers assigned duties outside field of certification (Amends 231.095, F.S.)

CURRENT SITUATION:

Section 231.095, F.S., requires districts to notify in writing the parents of all students in a class whose teacher is assigned teaching duties dealing with subject matter that is outside the field in which the teacher is certified.

EFFECT OF PROPOSED CHANGES:

The bill changes the notification of out-of-field teachers to those who are teaching outside the field of certification, outside the field in which the teacher has a minor degree, or outside the field in which the teacher has demonstrated sufficient subject area expertise.

Section 15: Teacher teaching out-of-field (Amends s. 231.096, F.S.)

This section conforms terminology.

Section 16: Education Paraprofessionals (Amends s. 231.141, F.S.)

This section conforms terminology.

Section 17: Education Paraprofessional career development (Amends s. 231.143(3), F.S., and repeals s. 231.143(1), F.S.)

This section conforms terminology and repeals an unnecessary subsection of containing intent language.

Section 18: Positions for which certificates required (Amends s. 231.15(1)(a) and (4), F.S.)

The bill deletes provisions that are relocated in the substantial rewording of s. 231.17, F.S. The bill also removes the years of service requirements for the hiring of retired military personnel because many branches of the military have retirees with less than 20 years of service.

Section 19: Teacher certification requirements (Substantial rewording of s. 231.17, F.S.)

The bill substantially rewords s. 231.17, F.S., relating to teacher certification to make the section more coherent and user-friendly, eliminate barriers to entry into certification, expand the alternative requirements to professional certification, increase the reciprocity of

qualified teachers from other states, and increase the state coordination of alternative certification. The bill requires the following:

Eligibility Criteria

Each person seeking certification must meet the following eligibility criteria:

- (a) Be at least 18 years of age.
- (b) File a written statement under oath that the applicant will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.
- (c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning *or a nonaccredited institution of higher learning that has been identified by the Department of Education as having a quality bachelor's or higher degree program*. Each applicant must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.
- (d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 231.02. *If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records must be referred to the Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application will become invalid.*
- (e) Be of good moral character.
- (f) Be competent and capable of performing the duties, functions, and responsibilities of a teacher.
- (g) Demonstrate mastery of general knowledge.
- (h) Demonstrate mastery of subject area knowledge.
- (i) Demonstrate mastery of professional education competence.

Mastery of General Knowledge

Before July 1, 2002, acceptable means of demonstrating mastery of general knowledge are:

- 1. Achievement of passing scores on the College Level Academic Skills Test (CLAST) or other basic skills examinations required by state board rule;
- 2. Achievement of passing scores on another state's general knowledge examinations;
- 3. A valid standard teaching certificate issued by another state that requires an examination of mastery of general knowledge;
- 4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or
- 5. A valid standard teaching certificate issued by another state and documentation of *2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.*

Beginning July 1, 2002, acceptable means of demonstrating mastery of general knowledge are:

- 1. Achievement of passing scores on basic skills examination required by state board rule;
- 2. Achievement of passing scores on the CLAST earned prior to July 1, 2002;
- 3. A valid standard teaching certificate issued by another state that requires an examination of mastery of general knowledge;
- 4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or
- 5. A valid standard teaching certificate issued by another state and documentation of *2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.*

Mastery of Subject Area Knowledge

Before July 1, 2002, acceptable means of demonstrating mastery of subject area knowledge are:

1. Completion of the subject area content requirements specified in state board rule and achievement of passing scores on National Teacher's Examination series or its successors or other subject area examinations required by state board rule;
2. A valid standard teaching certificate issued by another state that requires an examination of mastery of subject area knowledge;
3. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or
4. A valid standard teaching certificate issued by another state and documentation of *2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.*

Beginning July 1, 2002, acceptable means of demonstrating mastery of subject area knowledge are:

1. Achievement of passing scores on subject area examinations required by state board rule;
2. A valid standard teaching certificate issued by another state that requires an examination of mastery of subject area knowledge;
3. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or
4. A valid standard teaching certificate issued by another state and documentation of *2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.*

Mastery of Professional Preparation and Education Competence

Before July 1, 2002, acceptable means of demonstrating mastery of professional preparation and education competence are:

1. Passage of the professional education competency examination required by state board rule, and documentation of one of the following:
 - a. Completion of an approved teacher preparation program at a postsecondary institution within this state;
 - b. Successful completion of an approved alternative preparation program; or
 - c. Completion of professional preparation college courses as specified in state board rule and successful completion of a district professional education competence program.
2. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or
3. A valid standard teaching certificate issued by another state and documentation of *2 years of continuous successful full-time teaching or administrative experience in another state during the 5-year period immediately preceding the date of application for certification*

Beginning July 1, 2002, acceptable means of demonstrating mastery of professional preparation and education competence are:

1. Completion of an approved teacher preparation program at a postsecondary institution within this state;
2. Completion of a teacher preparation program at a postsecondary institution outside the state of Florida and a passage of the professional education competency examination required by state board rule;
3. A valid standard teaching certificate issued by another state that requires an examination of mastery of professional education competence;

4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards;
5. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification; or
6. Successful completion of the Department of Education's professional education competency-based preparation program, outlined in paragraph (7)(a).

Professional Preparation and Education Competency Program

By July 1, 2002, DOE must develop and each school district must provide a cohesive competency-based preparation program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in rules of the state board of education. Participants must hold a state-issued temporary certificate. The program must include the following components:

1. A minimum period of initial preparation prior to assuming duties of the teacher of record;
2. An option for collaboration between school districts and other supporting agencies for implementation;
3. Experienced peer mentors;
4. An assessment that provides for:
 - a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan, and
 - b. A post evaluation to assure successful completion of the program;
5. Content knowledge that includes, but is not limited to the following:
 - a. Requirements specified in state board rule for professional preparation,
 - b. The educator accomplished practices approved by the state board of education,
 - c. A variety of data indicators for student progress,
 - d. Methodologies, including technology, for teaching subject content that supports the Sunshine State Standards for students,
 - e. Techniques for effective classroom management,
 - f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students,
 - g. Methodologies for assuring the ability of all students to read, write, and compute, and
6. Required achievement of passing scores on the professional education competency examination required by state board rule.

Current approved alternative preparation programs and professional education competence programs authorized in statute remain in effect until July 1, 2002.

Study

The bill requires that beginning with the 2003-2004 school year, DOE must conduct a longitudinal study to compare the performance of certified teachers who are employed in Florida school districts. The study must compare a sampling of teachers who have qualified for professional certification since July 1, 2002, based on the following:

- Graduation from a state approved teacher preparation program.
- Completion of a state approved professional preparation and education competency program.
- A valid standard teaching certificate issued by a state other than Florida.

Section 20: Confidentiality of examinations (Amends 231.1715, F.S.)

This section removes a cross reference to the Management Training Act.

Section 21: Employment of substitute teachers (Amends s. 231.1725(1) and (3), F.S.)
This section adds the term “career specialist” to the listing of positions eligible for part-time and full-time nondegree teachers of vocational programs to conform to current practice and conforms terminology.

Section 22: Successful experienced out-of-state teachers and administrators
(Repeals s. 231.173, F.S.)

The substance of the reciprocity provided to out-of-state teachers and administrators was eliminated in this section of statute and included in the substantial rewording of s. 231.17, F.S.

Section 23: Process for renewal of professional certificates (Amends s. 231.24(1), (2), (3)(a) and (b), and (5), F.S.)

CURRENT SITUATION:

Districts currently pay \$20.00 to DOE for each professional certificate renewal. This fee does not fully cover the costs of the renewal process.

DOE is authorized to reinstate an expired professional certificate within 3 years after the date of the expiration.

EFFECT OF PROPOSED CHANGES:

The bill authorizes the State Board of Education (SBE) to designate a fee not to exceed the actual cost of the maintenance and operation of the database and the printing and mailing of the certificates. The bill also authorizes a certificate issued by the National Board for Professional Teaching Standards (NBPTS) to satisfy a Florida certificate in a subject that corresponds to the subject shown on the national certificate.

The bill allows DOE to reinstate an expired professional certificate within 5 years of the date of expiration.

Section 24: Education Practices Commission (Amends s. 231.261(1), (4), (7)(d), and (8), F.S.)

CURRENT 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. The majority of the membership of a panel constitutes a quorum.

Section 25: Complaints against teachers (Amends s. 231.262(1)(a) and (b) and (2), F.S.)
This section conforms terminology.

Section 26: Recovery network program for educators (Amends s. 231.263, F.S.)

CURRENT 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. The Commissioner may enter into the agreement if he or she determines that it is in the best interest of the educational program of the state.
- Have not previously entered a substance abuse program.
- Not be being investigated for any action involving the commission of a felony.
- Not have had multiple arrests for minor drug use, possession, or abuse of alcohol.

Section 27: Education Practices Commission; authority to discipline (Amends and redesignates s. 231.28, F.S.)

This section of the bill redesignates s. 231.28, F.S., as s. 231.2615, F.S., to provide better placement in the statute. The bill requires the Education Practices Commission (EPC) 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 28: Assessment Procedures and criteria (Amends s. 231.29, F.S.)

This section conforms terminology and adds references to ss. 120.536(1) and 120.54 to the rulemaking provisions of that section.

Section 29: Florida School Recognition Program (Amends s. 231.2905(3), F.S.)

CURRENT SITUATION:

The Florida School Recognition Program was created in 1997 to provide financial awards to schools that sustain high performance. The awards must be used as determined by the school's staff and school advisory council for bonuses to the faculty and staff or for educational equipment or materials for the school.

EFFECT OF PROPOSED CHANGES:

The bill clarifies that the awards are *nonrecurring* and that they may be used for the purchase of educational equipment or materials *or for temporary personnel to assist in maintaining and improving student performance.*

Section 30: Certification Fees (Amends s. 231.30(1), F.S.)

CURRENT SITUATION:

Section 231.30, F.S., establishes a \$60 fee cap for certification examinations. According to DOE, the costs of developing and administering the examinations are only partially recouped from the fees charged to the test takers. In the 1999-2000 fiscal year, test administration and development will cost approximately \$1,805,000 and about 34,500 candidates are expected to register for an exam. The cost per registration is \$52 per test. The candidates will only pay \$25 for registration. More than half the actual testing cost is paid by Legislative appropriation for the Professional Education and Subject Area Examinations and the entire cost of the CLAST is paid for by Legislative appropriation, with no charge to the test taker (Florida Department of Education: Bureau of Curriculum, Instruction, and Assessment, October, 1999).

EFFECT OF PROPOSED CHANGES:

The fee cap is raised to \$100 to assist in covering the cost of developing and administering the examinations.

Section 31: Employment of directors of career education (Amends s. 231.3505, F.S.)

This section conforms terminology.

Section 32: Contracts with instructional staff (Amends s. 231.36(1)(b), (2), (3), (4), (5), (6), and (7), F.S.)

This section conforms terminology.

Section 33: Educational support employees (Amends s. 231.3605, F.S.)

This section conforms terminology.

Section 34: Vocational teachers (Amends s. 231.362(2), F.S.)

This section conforms terminology.

Section 35: Provisions for leaves of absence (Amends s. 231.39, F.S.)

This section conforms terminology.

Section 36: Sick leave (Amends 231.40(2), (3), and (4), F.S.)

This section conforms terminology.

Section 37: Illness-in-line-of-duty leave (Amends s. 231.41, F.S.)

This section conforms terminology.

Section 38: Sabbatical leave (Amends s. 231.424(1) and (3), F.S.)

This section conforms terminology.

Section 39: Annual leave (Amends s. 231.434, F.S.)

This section conforms terminology.

Section 40: Absence without leave (Amends s. 231.44, F.S.)

This section conforms terminology.

Section 41: Records of absences (Amends s. 231.45, F.S.)

This section conforms terminology.

Section 42: Substitute teachers (Amends s. 231.47, F.S.)

This section conforms terminology.

Section 43: Part-time teachers (Amends s. 231.471, F.S.)

This section conforms terminology.

Section 44: Terminal pay for accrued vacation leave (Amends s. 231.481, F.S.)

This section conforms terminology.

Section 45: Retirement annuities (Amends. S. 231.495, F.S.)

This section conforms terminology.

Section 46: Education Standards Commission (Amends s. 231.545(1) and (3), F.S.)

This section conforms terminology.

Section 47: Education Standards Commission; powers (Amends s. 231.546(1) and (2)(b), F.S.)

This section conforms terminology.

Section 48: School Community Professional Development (Amends s. 231.600, F.S.)

The bill revises the district professional development system. The bill requires DOE 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 also 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. DOE will approve the administrator preparation programs, which may include alternative means for preparation and the hiring of qualified out-of-state administrators.

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

The bill provides that an organization of nonpublic schools that has no fewer than 10 member schools in the state, may also develop a professional development system to submit for approval pursuant to the rules of the State Board of Education.

The bill also requires that school boards make inservice activities available to instructional personnel at nonpublic schools in the district and state certified teachers who are not employed by the district. The school board may charge a fee for the activities not to exceed the actual costs of activity per all participants.

Section 49: Statewide system for inservice professional development (Amends s. 231.6135, F.S.)

This section conforms terminology.

Section 50: Inservice master plan for vocational educators (Repeals s. 231.614, F.S.)

This section repeals the inservice master plan for vocational educators. The Division of Workforce Development has incorporated a number of strategies, including regional technical assistance teams, to ensure the staff development of local vocational educators. Repeal of this section will allow local flexibility in developing a statewide staff development model. In addition, federal law -- Carl D. Perkins Vocational-Technical Education Act of 1998 -- requires staff development for vocational educators.

Section 51: Identification of critical teacher shortage areas (Amends 231.62(1), F.S.)

This section adds language to reference rulemaking authority pursuant to ss. 120.536(1) and 120.54, F.S.

Section 52: Critical Teacher Shortage Student Loan Forgiveness Program (Amends s. 231.621 (1), (2), and (4), F.S.)

This section conforms terminology.

Section 53: Student Fellowship Program (Creates s. 231.6215, F.S.)

CURRENT SITUATION:

Florida has a number of scholarships and forgivable loans to encourage people to enter the teaching profession, including the following:

- Critical Teacher Shortage Loan Forgiveness Program (s. 231.621, F.S.) -- 1999-2000 funding: \$4,146,795.
- Florida Teacher Scholarship/Forgivable Loan (s. 240.4064, F.S.) -- 1999-2000 funding: \$1,857,000.
- Exceptional Student Education Training Grant (s. 240.405, F.S.) -- 1999-2000 funding: \$109,212.
- Florida Fund for Minority Teaching (S. 240.4129, F.S.) -- 1999-2000 funding: \$3,000,000.

None of these programs is designed to recruit the highest achieving rising juniors or educational paraprofessional learning guides into the teaching profession. They are designed to assist regular students into a particular certification area or into a demographically under represented area.

EFFECT OF PROPOSED CHANGES:

The bill creates the Student Fellowship Program to identify and recruit rising juniors in Florida community colleges, public universities, or independent postsecondary institutions, or education paraprofessional learning guides into the teaching profession. DOE is required to administer the program in cooperation with participating postsecondary education institutions.

A recipient may receive a fellowship loan of \$6,500 per year for 2 years. DOE will forgive the loan if, within 5 years after graduation, the recipient teaches full time for 3 years at a Florida public school or for 2 years at a Florida public school graded "D" or "F." If a recipient does not graduate within 2 years, or does not fulfill the employment requirements, the recipient must repay the total amount awarded plus annual interest of 8 percent.

The program is to be implemented to the extent specifically funded in the General Appropriations Act.

Section 54: Teacher Recruitment and Retention (Amends s. 231.625(2) and (3), F.S.)
This section conforms terminology.

Section 55: Christa McAuliffe Ambassador for Education Program (Amends s. 231.6255(2) and (4), F.S.)
This section conforms terminology.

Section 56: Florida Educator Hall of Fame (Amends s. 231.63(1), (2)(a), and (4), F.S.)
This section clarifies wording and terminology.

Section 57: Institute for Instructional Research and Practice (Repeals s. 231.65, F.S.)

CURRENT SITUATION:

Section 231.65, F.S., was created in 1984 and directs the Board of Regents to establish an Institute for Instructional Research and Practice and Student Educational Evaluation and Performance (Institute). The major purposes of the Institute are:

- to effect increases in student performance through improved knowledge and performance of teachers and leadership of school administrators,
- to provide a knowledge base for evaluating and improving the program for the education of teachers in the state,
- to gather data and information and conduct research to discover new and improved means of measuring student outcomes,
- to determine methods of student evaluation, and
- to advance state of the art student testing and evaluation.

The majority of these functions have been accomplished or superseded with the development of the Florida Comprehensive Assessment Test (FCAT), the requirements of evaluation of student learning gains and teacher effects data in the A+ Plan, DOE oversight and development of student assessments, DOE oversight and development of teacher certification examinations, and the accountability provisions of teacher preparation programs outlined in this bill.

EFFECT OF PROPOSED CHANGES:

The bill repeals the Institute for Instructional Research and Practice.

Section 58: Florida Teachers Lead Program Stipend (Substantial rewording of s. 231.67, F.S.)

CURRENT SITUATION:

The Florida Teachers Lead Program was created by Chapter 97-384, LOF, to provide funds to classroom teachers to purchase classroom materials and supplies. The funds are deposited into each school's internal account and made available to teachers. Each teacher's allocation must remain available for the teacher's use until the full amount is expended. There have been some concerns over the paperwork required in accounting for small unused balances in each school's internal account.

EFFECT OF PROPOSED CHANGES:

The bill substantially rewords s. 231.67, F.S., to create the Florida Teachers Lead Program Stipend. Funding for the program is subject to legislative appropriation. The funds are calculated based upon the school district's share of total K-12 unweighted FTE student

enrollment. The funds are to be provided as a direct stipend to each full-time classroom teacher of record on September 1 in the district no later than September 30 of each year and media specialists and guidance counselors who serve students in kindergarten through grade 12. Each teacher is required to sign a statement acknowledging the receipt of the funds, agreeing to keep receipts to show the expenditure of the funds, and agreeing to return any unused funds by the end of the regular school year. Any unused funds are to be deposited into that school's School Advisory Council account.

Under the Internal Revenue Code Section 132, Title 26 of the U.S.C., Subtitle A, Chapter 1, Subchapter B, Part III, as interpreted by Treasury Regulation Section 1.132-5(a)(1)(v) of the Income Tax Regulations, the stipend qualifies as a working condition fringe benefit (nontaxable income) if the following occurs:

- the employee is required to use the payment for expenses in connection with a specific or pre-arranged activity.
- verification is made that the payment is actually used for such expenses (accomplished with the signed statement and agreement to keep receipts), and
- unused portions of the payment are returned to the employer.

Because teachers under this program must meet these requirements, the stipend should be nontaxable.

Section 59: Florida Mentor Teacher School Program (Creates s. 231.700, F.S.)

The bill authorizes a Mentor Teacher School Program to provide grants to design and implement a multi-level career path from education paraprofessional learning guides to mentor teachers. A mentor teacher is to receive double the salary of an average classroom teacher.

The main provisions of the program are to:

- Provide teachers with five-level career paths beginning with an education paraprofessional learning guide and rising to a mentor teacher. The levels must have highly differentiated duties. The mentor teacher will have reduced teaching duties 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.
- Establish broad salary ranges with flexibility to reward and attract teachers to hard-to-staff schools. Mentor teachers are eligible for a salary of up to twice the average district classroom teacher's salary. Fifty percent of the mentor teacher salary incentive must be based on student performance.
- Provide ongoing professional development that includes a daily block of time for teachers to interact with the mentor teacher.
- Provide all eligible teachers with an opportunity for national certification.
- Provide for teams of teachers and paraprofessionals.

The five career levels are:

1. Education paraprofessional learning guide who must have an associate's degree.
2. Associate Teacher who must have a bachelor's degree and a full-time teaching certificate.
3. Teacher who must have a bachelor's degree, a valid full-time teaching certificate, at least three years of teaching experience, satisfactory performance, and evidence of positive student learning gains, when that data becomes available.
4. Lead teachers who must have a bachelor's degree, a valid full-time teaching certificate, at least three years of teaching experience, exemplary performance, and evidence of significant positive student learning gains, when that data becomes available. A lead teacher must provide intensive support for associate teachers and teachers.

5. Mentor teacher who must have a bachelor's degree, a valid full-time teaching certificate, at least five years of teaching experience, exemplary performance, evidence of significant positive student learning gains when that data becomes available, hold a valid NBPTS certificate, have been selected as a school, district, or state teacher of the year, or hold an equivalent status as determined by the Commissioner, and demonstrate expertise as a staff developer.

The Commissioner may adopt rules necessary for the administration of the program. This program is to be implemented to the extent funded by the General Appropriations Act.

Section 60: Funds for operation of schools (Amends s. 236.081(1)(m) and (3), F.S.)

CURRENT SITUATION:

Section 236.081(1)(m), F.S., requires 80% of the money generated by the additional .24 full-time equivalent (FTE) student membership calculated for each student in each advance placement (AP) course who receives a score of 3 or higher on the College Board Advance Placement Examination to be returned to the school that earned it. The district may keep 20% of the funds. The statute does not provide any criteria for the expenditure of the funds at the school.

Florida had 34,615 public school students participating in the College Board AP classes in the 1998-99 school year and gave 59,762 exams. There was a total of 32,831 students who scored a 3 or higher on the exams.

As of the 1999-2000 third calculation of the FEFP, there were 7,574.64 AP supplemental weighted FTE (WFTE) reported. Using a base student allocation (BSA) of \$3,227.74 there was \$24,448,969 in revenue provided to the districts for AP supplemental funding.

EFFECT OF PROPOSED CHANGES:

The bill provides to each AP teacher a bonus in the amount of \$50 for each student who receives a score of 3 or higher on the AP Examination and an additional \$500 bonus to each AP teacher in a "D" or "F" school who has at least one student who scores a 3 or higher on the AP exam. The bonuses are capped at \$2,000 per year and are in addition to any regular wage or bonus the teacher received or is scheduled to receive.

Section 61: Excellent Teaching Program (Amends s. 236.08106(2)(a) and (d), F.S.)

CURRENT SITUATION:

In 1998, the Legislature created the Excellent Teaching Program (Chapter 98-309, LOF) to encourage Florida teachers to seek certification by the national Board for Professional Teaching Standards (NBPTS). The Legislature appropriated \$12 million (Specific appropriation 119B) in the 1998-1999 GAA to assist teachers with the cost of preparing portfolios and paying the certification fee. The funds were also provided for salary bonuses equal to 10 percent of the prior year statewide teacher's salary for those teachers who received their national certification. In addition, those teachers could receive an additional 10 percent bonus for mentoring other teachers within the district. The portfolio assistance is \$150 and the state portion of the certification fee is a maximum of \$1,800 (90%).

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

The NBPTS has raised the application fee from \$2,000 to \$2,300.

EFFECT OF PROPOSED CHANGES:

The bill eliminates the monetary cap on the state subsidy of the certification fee. The state portion will be limited to 90 percent of the national fee. The bill authorizes nationally certified teachers to mentor and assist teachers within the *state*, not just the district.

The bill also provides that the Florida School for the Deaf and Blind is considered a school district for purposes of inclusion in the program.

Section 62: Educational Training (Repeals s. 236.0811, F.S.)

This section eliminates obsolete provisions. Language relating to district inservice master plans has been relocated to s. 231.600, F.S., relating to the School Community Professional Development Act.

Section 63: Public accountability and state approval for teacher preparation programs (Amends s. 240.529, F.S.)

CURRENT SITUATION:

Initial State Program Approval

Each teacher preparation program in Florida must choose one of the following options for initial state approval:

- An approval process that incorporates requirements of the National Council for the Accreditation of Teacher Education (NCATE) and that provides for joint accreditation and approval by the state; or
- An alternative process developed by DOE. The DOE approval process may not be based on NCATE provisions and requirements.

Continued Program Approval

Two of the provisions required for continued program approval are:

- Criteria that emphasizes outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been over represented in school suspensions and other disciplinary actions.
- Satisfactory employer ratings from the public and nonpublic schools that employ graduates of the program.

Annually Reported Information

Beginning with the 2000-2001 academic year, each public and private teacher preparation program in Florida must annually report information regarding the programs to the state and general public. The information must be reported in a uniform and comprehensible manner that conforms with proposals of the Education Standards Commission, National Center for Educational Statistics, and the State Board of Education.

EFFECT OF PROPOSED CHANGES:

Initial State Program Approval

The bill requires that each teacher preparation program in the state be initially approved by DOE. This will provide consistency with the new higher standards that DOE will place on the teacher preparation programs. There is no prohibition for DOE to work cooperatively with NCATE to develop a joint approval process.

Continued Program Approval

The bill requires the following two provisions for continued program approval:

- Criteria that emphasizes *instruction* in classroom management and *provides for the evaluation of the teacher candidate's performance in this area*. *The criteria must require instruction in working with underachieving students.*
- Satisfactory employer ratings from the public and nonpublic schools that employ graduates of the program, that include *at a minimum* an employer's satisfaction with a graduate's ability to do the following:
 - Write and speak in a logical and understandable style with appropriate grammar.
 - Recognize the signs of students' difficulty with the reading and computational process and apply appropriate measures to improve student performance.
 - Use and integrate appropriate technology in teaching and learning processes.
 - Demonstrate knowledge and understanding of the Sunshine State Standards.

Annually Reported Information

The bill adds minimum criteria to the annual public information to be reported on the program that includes:

- Percent of graduates obtaining full-time teaching employment within the first year of graduation.
- Average length of stay of graduates in their full-time teaching positions.
- Satisfaction ratings of the public and nonpublic schools that employ the graduates.

The bill also removes obsolete reporting requirements of the State Board of Education and clarifies that colleges of education must emphasize the state system of school improvement and educational accountability concepts and standards, including Sunshine State Standards.

Section 64: Speech-language services

The bill requires the State Board of Education to adopt rules, based on recommendations of the Commissioner's task force, for speech-language services to districts that qualify for the sparsity supplement. These services may be provided by a bachelor's level person for a period of 3 years. The rules must also authorize the delivery of speech-language services by bachelor's degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher. By October 1, 2003, these rules must be reviewed by the SBE.

Section 65: Florida Teacher Scholarship and Forgivable Loan Program (Amends s. 240.4063)

The bill expands the forgivable loan program to include teachers at *publicly funded* schools and defines publicly funded schools as those that receive at least 75 percent of their operating costs from governmental agencies and operate their educational program under contract with a public school district or DOE.

Section 66: Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Teacher Incentive Pay at "D," "F," and Alternative Schools

The Legislature appropriated \$12.25 million (S.A. 100B) to provide incentive pay for effective teachers to teach at "D," "F," and alternative schools. DOE estimates that if all 3,900 teaching slots at the current 78 "F" schools are filled with teachers eligible for the minimum supplement of \$1,000, the cost would be \$3.9 million.

Teacher Examinations

DOE will incur costs of developing tests of general knowledge, subject area knowledge, and professional education competency that are aligned with student standards. DOE estimates that the development of the examinations will cost approximately \$23 million total over the next six years. However, the department will recoup more of the cost of test development and administration because the examination fee has been raised to \$100. The DOE estimates that the cost which would not be supported by fees in 2000-01 would be \$850,000.

Student Fellowship Program

Funding for the Student Fellowship Program is subject to Legislative appropriation. No funds were provided in the 2000-2001 GAA.

Excellent Teaching Program

The Legislature provided \$19 million (S.A. 90) for the Excellent Teaching Program. This increased appropriation includes additional funds to cover the increase in the national certification fee, as well as, the school district's share of social security and Medicare taxes for those teachers who achieve national certification.

Mentor Teacher School Program

The Legislature provided \$1 million (S.A. 104) for the Mentor Teacher School Pilot Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Bonuses awarded to AP teachers will not impact the amount of funds provided to the district; however, a portion of the bonuses allocated to each school must be distributed to the AP teacher rather than spent on nonteacher expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Examination Fees

Effective in 2002, fees for required teacher examinations are likely to increase; however, the fees are capped at \$100.

Mentor Teacher School Program

If authorized, teachers in the pilot schools will be eligible for pay increases up to double the average salary of the district, if they qualify for mentor teacher status.

D. FISCAL COMMENTS:

See above.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Language in s. 231.67, F.S., relating to the Teachers Lead Stipend Program, needs to be amended to clarify that all eligible employees, not just teachers, are required to sign a statement acknowledging receipt of the funds, agreeing to keep receipts, and agreeing to return unused funds.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 26, 2000, the Education Appropriations Committee adopted 8 amendments to the bill which do the following:

- Clarify that superintendents and school boards must consider principal recommendations for the hiring of instructional personnel.

- Provide for the initial year of implementation of the teacher incentive pay program at "F" schools.
- Allow districts to hire teachers under a temporary certificate for up to one calendar year before demonstrating mastery of general knowledge.
- Clarify language relating to the deferred prosecution agreement for educators who successfully complete the educator recovery network.
- Remove specific provisions in the Mentor Teacher Pilot Program to conform to the current House budget.

On May 4, 2000, the House concurred with one Senate amendment, refused to concur on 2 amendments, and passed CS/CS/HBs 63 & 77 and 891, 995, 2009, and 2135 [YEAS 118, NAYS 0]. On May 4, 2000, the Senate receded on its 2 amendments and passed the bill [YEAS 37, NAYS 0]. The final amendment in which the House concurred made teachers in *publicly funded* schools eligible for the Florida Teacher Scholarship and Forgivable Loan Program. The bill was signed into law by the Governor on June 15, 2000, and became Chapter 2000-301, LOF.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Patricia W. Levesque

Patricia W. Levesque

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

Mark Armstrong

John Newman

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Patricia W. Levesque

Patricia W. Levesque