

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The council substitute does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Teacher Certification in Florida:

Any applicant seeking a Florida teaching certificate (either a professional certificate or temporary certificate) must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the principles in the Federal Constitution and State Constitution and that the information provided in application is true, accurate, and complete;
- Have a bachelor's or higher degree from an accredited postsecondary institution or a nonaccredited institution identified by DOE as having a quality program;
- Submit fingerprints for background screening by the Florida Department of Law Enforcement and Federal Bureau of Investigation and, if the applicant has a criminal history, be determined eligible for certification by DOE's investigative section;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.¹

In addition to these requirements, an applicant seeking a professional certificate (valid for up to 5 years and may be renewed) must:

- Demonstrate mastery of general knowledge;
- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence.²

An applicant seeking a temporary certificate (valid for 3 school fiscal years and may not be renewed) must, in addition to the requirements listed above:

- Complete the subject area content requirements specified in rules adopted by the State Board of Education; or
- Demonstrate mastery of subject area knowledge (e.g., achieve passing scores on a subject area examination) and hold a degree at the level required for subject area specialization as specified in the rules adopted by the State Board of Education.³

In addition, a teacher employed under a temporary certificate must, within 1 calendar year after employment, demonstrate mastery of general knowledge, which may be accomplished through:

- Achievement of passing scores on a basic skills examination required by rules adopted by the State Board of Education;
- Achievement of passing scores on the College Level Academic Skills Test (CLAST), if earned before July 1, 2002;
- A valid professional standard teaching certificate issued by another state;

¹ Section 1012.56(2)(a)-(f), F.S.

² Section 1012.56(2)(g)-(i) & (6)(a), F.S.

³ Section 1012.56(4)(a) & (6)(b), F.S.

- A valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education; or
- Documentation of two semesters of successful teaching in an accredited postsecondary institution (e.g., community college, state university, or private college or university), or a nonaccredited institution identified by DOE as having a quality program, which awards an associate or higher degree.⁴

Current law allows a school district to continue the employment of a teacher through the end of the school year, if the teacher was employed under contract with a temporary certificate but did not demonstrate mastery of general knowledge within 1 calendar year after employment as required. If, however, the teacher does not demonstrate mastery of general knowledge by the end of the school year, the school district may not employ the teacher, or continue the teacher's employment, in a position for which a temporary certificate is required.⁵

Demonstrating Mastery of Subject Area Knowledge for Foreign Language Certification:

An applicant seeking a professional certificate or temporary certificate may demonstrate mastery of subject area knowledge through, among other options, one of the following:

- Achievement of passing scores on subject area examinations required by rules adopted by the State Board of Education; or
- For a subject area for which a subject area examination is not developed and required by state board rule, completion of subject area specialization requirements specified in state board rule and verification of the applicant's attainment of the essential subject matter competencies by the school district, state-supported school, or private school employing the applicant.⁶

The State Board of Education is required to designate the certification areas for subject area examinations.⁷ Under the Florida Teacher Certification Examinations (FTCE) program, the state board has developed subject area examinations for four foreign languages: Spanish, French, German, and Latin.⁸ DOE first administered examinations for these foreign languages in October 1989.⁹

The state board has also established specialization requirements for certification in 10 modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.¹⁰ State board rule establishes three options for meeting the specialization requirements:

- Bachelor's or higher degree with an undergraduate or graduate major in one of the modern languages;
- Bachelor's or higher degree with 30 semester hours in one of the modern languages; or
- Bachelor's or higher degree and completion of the Basic Program of the Defense Language Institute¹¹ of the U.S. Department of Defense in one of the modern languages.¹²

⁴ Section 1012.56(2)(g), (3) & (6), F.S.

⁵ Section 1012.56(6), F.S.

⁶ Section 1012.56(4)(a) & (b), F.S.

⁷ Section 1012.56(8)(c), F.S.

⁸ Rule 6A-4.0021(9)(d) & (j), F.A.C.; Florida Department of Education, *Florida Teacher Certification Examinations (FTCE), Competencies and Skills: Twelfth Edition*, at <http://www.fldoe.org/asp/ftce/ftcecomp.asp> (last visited Mar. 14, 2008).

⁹ Florida Department of Education, Division of Accountability, Research, and Measurement, *Assessment and Accountability Briefing Book 9* (2007), available at <http://fcap.fldoe.org/pdf/BriefingBook07web.pdf> (last visited Mar. 14, 2008).

¹⁰ Rule 6A-4.0243(1), F.S.

¹¹ See Defense Language Institute, Foreign Language Center, at <http://www.dliflc.edu> (last visited Mar. 14, 2008).

In addition, an applicant completing specialization requirements in one modern language may obtain specialization in a second modern language if the applicant has a bachelor's or higher degree and completes 21 semester hours in the second modern language.¹³

State board rule establishes two options for meeting specialization requirements for certification in Latin:

- Bachelor's or higher degree with an undergraduate or graduate major in Latin; or
- Bachelor's or higher degree with 30 semester hours in Latin.¹⁴

In addition, an applicant completing specialization requirements in a modern language may obtain specialization in Latin if the applicant has a bachelor's or higher degree and completes 21 semester hours in Latin.¹⁵

On February 19, 2008, the State Board of Education approved an amendment to its rule establishing specialization requirements for foreign languages.¹⁶ The amended rule:

- Adds Arabic, Farsi, Haitian Creole, and Hindi to the 10 modern languages for which an applicant may obtain specialization;¹⁷ and
- Authorizes an applicant for specialization in any of the 15 modern languages, for which there is no Florida-developed subject area examination, to meet the specialization requirements through earning a bachelor's or higher degree and scoring above the intermediate level on the oral and written proficiency tests administered for the language by the American Council on the Teaching of Foreign Languages (ACTFL).¹⁸

ACTFL currently offers proficiency assessments for each of the modern languages listed in the state board rule.¹⁹

According to DOE, the following numbers of schools and school districts are currently teaching the following foreign languages:

- Italian: 57 schools in 15 districts;
- Chinese: 25 schools in 9 districts; and
- Hebrew: 0 schools in 0 districts.²⁰

DOE reports that there are currently 109 persons certified in Italian, 14 persons certified in Chinese, and 10 persons certified in Hebrew in the state.²¹

¹² Rule 6A-4.0243(1)(a), (b) & (d), F.A.C.

¹³ Rule 6A-4.0243(1)(c), F.A.C.

¹⁴ Rule 6A-4.0243(2)(a) & (b), F.A.C.

¹⁵ Rule 6A-4.0243(2)(c), F.A.C.

¹⁶ Florida Department of State, *Florida Administrative Weekly*, Vol. 34, No. 3, at 288-289 (Jan. 18, 2008), available at <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2008/3403/3403doc.pdf> (last visited Mar. 14, 2008).

¹⁷ Proposed rule 6A-4.0243(1), F.A.C.

¹⁸ Proposed rule 6A-4.0243(2)(e), F.A.C.

¹⁹ American Council on the Teaching of Foreign Languages, *Current List of Assessment Languages*, at https://www.languagetesting.com/language_list_acad.htm (last visited Mar. 14, 2008).

²⁰ Florida Department of Education, *2008 Agency Bill Analysis of HB 207*, at 1 (Nov. 26, 2007).

²¹ *Id.*

Proposed Changes:

The bill authorizes an applicant seeking a teaching certificate in order to teach a world language to demonstrate mastery of subject area knowledge of the language by passing a subject area examination, if the Department of Education (DOE) has developed an examination for the language, which may include, but is not limited to, Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, and Spanish.

In order to be certified to teach a world language for which DOE has not developed a subject area examination, the council substitute allows the applicant to demonstrate mastery of subject area knowledge by earning a bachelor's or higher degree and attaining oral and written foreign language proficiency on national examinations administered by the American Council of Teachers of Foreign Languages.

The council substitute also deletes provisions in current law, which:

- Require a teacher employed under a temporary certificate (nonrenewable and valid for 3 school fiscal years) to demonstrate mastery of general knowledge (e.g., achieve passing scores on a basic skills examination) within 1 calendar year after employment; and
- Prohibits a school district, if a teacher employed under a temporary certificate does not demonstrate mastery of general knowledge as required, from employing the teacher, or continuing the teacher's employment, in a position for which a temporary certificate is required.

The council substitute in effect allows a teacher employed under a temporary certificate to demonstrate mastery of general knowledge at any time until the teacher's 3-year temporary certificate expires.

The council substitute provides an effective date of July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Amends section 1012.56, F.S., revising requirements for demonstrating subject area knowledge in world languages and the time restrictions for demonstrating general knowledge for a temporary certificate.

Section 2. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The council substitute does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The council substitute does not include any provisions specifically requiring rulemaking, but the council substitute may in effect require the State Board of Education to amend its rules concerning temporary certificates or specialization requirements for certification in foreign language.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 11, 2008, the Committee on K-12 adopted an amendment offered by Representative Sachs (*remove everything after the enacting clause*). The amendment:

- Removed a provision from the bill which required DOE to develop foreign language subject area examinations in seven languages;
- Added a provision that authorizes applicants seeking a teaching certificate to demonstrate mastery of subject area knowledge for a world language by passing a subject area examination, if DOE develops an examination for the language, which may include, but is not limited to, Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, and Spanish; and
- Added a provision that, for a world language for which DOE has not developed a subject area examination, allows teachers to demonstrate mastery of subject area knowledge by earning a bachelor's or higher degree and attaining oral and written foreign language proficiency on national examinations administered by the American Council of Teachers of Foreign Languages.

By removing the provision which required DOE to develop subject area examinations in three languages (Hebrew, Italian, and Chinese) for which the department has not previously developed examinations, the amendment in effect eliminated the bill's fiscal impact to the state.

On March 18, 2008, the Schools & Learning Council adopted an amendment offered by Representative McKeel. The amendment deletes provisions in current law which require a teacher employed under a temporary certificate to demonstrate mastery of general knowledge (e.g., achieve passing scores on a basic skills examination) within 1 calendar year after employment and, in effect, allows the teacher to demonstrate mastery of general knowledge at any time until the teacher's 3-year temporary certificate expires.