An act relating to education personnel; amending s. 39.202, F.S.; authorizing the release of child abuse records to certain employees and agents of the Department of Education; amending s. 447.403, F.S.; deleting a provision that provides for an expedited impasse hearing for disputes involving the Merit Award Program plan to conform to changes made by the act; amending s. 1002.33, F.S.; requiring a charter school to adopt a salary schedule for instructional personnel and school-based administrators which meets certain requirements; providing that charter schools must meet certain requirements for end-of-course assessments, performance appraisals, and certain contracts; deleting a cross-reference to conform to changes made by the act; requiring that the Commissioner of Education review certain charter schools for compliance with the requirements for a salary schedule, assessments, and contracts; requiring a specified funding adjustment to be imposed against a charter school that is not in compliance; amending s. 1003.52, F.S.; deleting a cross-reference to conform to changes made by the act; repealing s. 1003.62, F.S., relating to academic performance-based charter school districts; amending s. 1003.621, F.S.; providing additional requirements for personnel in academically high-performing school districts; repealing s. 1003.63, relating to the deregulated public schools pilot program; amending s. 1004.04,
F.S.; revising the criteria for continued approval of
teacher preparation programs to include student
learning gains; deleting the waiver of admissions
criteria for certain students; deleting the criterion
relating to employer satisfaction; revising the
requirements for a teacher preparation program to
provide additional training to a graduate who fails to
demonstrate essential skills; deleting a provision
that requires state-approved teacher preparation
programs and public and private institutions offering
training for school-readiness-related professions to
report graduate satisfaction ratings; revising the
requirements for preservice field experience programs;
repealing s. 1004.04(11) and (12), F.S., relating to
the Preteacher and Teacher Education Pilot Programs
and the Teacher Education Pilot Programs for High-
Achieving Students; amending s. 1004.85, F.S.;
revising the requirements for individuals who
participate in programs at postsecondary educator
preparation institutes; revising the requirements for
approved alternative certification programs and
instructors; creating s. 1008.222, F.S.; requiring
school districts to develop and implement end-of-
course assessments; requiring a review of assessments
by the Commissioner of Education; amending s. 1009.40,
F.S.; deleting cross-references to conform to changes
made by the act; repealing s. 1009.54, F.S., relating
to the Critical Teacher Shortage Program; repealing s.
1009.57, F.S., relating to the Florida Teacher
Scholarship and Forgivable Loan Program; repealing s. 1009.58, F.S., relating to the Critical Teacher Shortage Tuition Reimbursement Program; repealing s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; amending s. 1009.94, F.S.; deleting cross-references to conform to changes made by the act; creating s. 1011.626, F.S.; providing legislative findings and intent; creating the Performance Fund for Instructional Personnel and School-Based Administrators; providing for calculation of the fund amount; providing for distribution of funds to districts and specifying purposes for which funds may be expended; providing for reversion of unexpended funds; specifying that salary increases from these funds are in addition to other salary adjustments; specifying requirements for individuals paid from federal grants; requiring that each district school board submit its district adopted salary schedule and certain assessments to the Commissioner of Education for review; requiring that the commissioner determine compliance with requirements applicable to the schedules and assessments; requiring a review by the Auditor General of certain classroom teacher contracts; requiring that the Commissioner of Education notify the Governor and Legislature of school districts that fail to comply with salary schedule, assessment, and contract requirements; requiring a specified funding adjustment to be imposed against a school district for such failure to comply;
requiring that the State Board of Education adopt
rules; amending ss. 1011.69, F.S.; deleting a provision
that exempts academic performance-based charter school
districts from the Equity in School-Level Funding Act
to conform to changes made by the act; amending ss.
1012.05, F.S.; revising the Department of Education’s
responsibilities for teacher recruitment; amending ss.
1012.07, F.S.; revising the methodology for
determining critical teacher shortage areas; deleting
cross-references to conform to changes made by the
act; amending ss. 1012.22, F.S.; revising the powers
and duties of the district school board with respect
to school district compensation and salary schedules;
requiring that certain performance criteria be
included in the adopted schedules; revising the
differentiated pay provisions; repealing ss. 1012.225,
F.S., relating to the Merit Award Program for
Instructional Personnel and School-Based
Administrators; repealing ss. 1012.2251, F.S., relating
to the end-of-course examinations for the Merit Award
Program; amending ss. 1012.33, F.S.; revising
provisions relating to contracts with certain
educational personnel; requiring a district school
board’s decision to retain personnel who have
continuing contracts or professional service contracts
to be primarily based on the employee’s performance;
deleting requirements that school board decisions for
workforce reductions be based on collective bargaining
agreements; deleting requirements for district school
board rules for workforce reduction; creating s. 1012.335, F.S.; providing definitions; providing employment criteria for newly hired classroom teachers; providing grounds for termination; requiring that the State Board of Education adopt rules defining the term “just cause”; providing guidelines for such term; amending s. 1012.34, F.S.; revising provisions related to the appraisal of instructional personnel and school-based administrators; requiring that the Department of Education approve school district appraisal instruments; requiring the Department of Education to collect appraisal information from school districts and to report such information to the Governor and the Legislature; providing requirements for appraisal systems; authorizing an employee to request that a district school superintendent review an unsatisfactory performance appraisal; conforming provisions to changes made by the act; amending s. 1012.42, F.S.; prohibiting a district school board from assigning a new teacher to teach reading, science, or mathematics if he or she is not certified in those subject areas; repealing s. 1012.52, F.S., relating to legislative intent for teacher quality; amending s. 1012.56, F.S.; revising the certification requirements for persons holding a valid professional standard teaching certificate issued by another state; providing additional means of demonstrating mastery of professional preparation and education competence; requiring that the State Board of Education review the
current subject area examinations and increase the
scores necessary for achieving certification;
authorizing the State Board of Education to adopt
rules to allow certain college credit to be used to
meet certification requirements; amending s. 1012.585,
F.S.; providing for future expiration of provisions
governing certification of teachers who hold national
certification; revising the renewal requirements for a
professional certificate; providing additional
requirements that must be met in order to renew the
certificate; requiring that the State Board of
Education adopt rules for the renewal of a certificate
held by a certificateholder who has not been evaluated
under s. 1012.34, F.S.; amending s. 1012.72, F.S.;
limiting bonuses under the Dale Hickam Excellent
Teaching Program to individuals who remain
continuously employed in a public school in this state
or the Florida School for the Deaf and the Blind;
amending s. 1012.79, F.S.; revising the composition of
the Education Practices Commission; conforming
provisions to changes made by the act; amending s.
1012.795, F.S.; conforming provisions to changes made
by the act; requiring that the Department of Education
submit a report on the cost-effectiveness of teacher
preparation programs to the Governor and the
Legislature by a specified date; specifying the report
requirements; requiring that the Office of Program
Policy Analysis and Government Accountability submit
recommendations to the Legislature relating to changes
in the criteria for the continued approval of teacher
preparation programs; authorizing school districts to
seek an exemption from the State Board of Education
from the requirement of certain laws; authorizing the
State Board of Education to adopt rules; providing for
severability; providing for application of a specified
provision of the act; providing effective dates.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (t) is added to subsection (2) of
section 39.202, Florida Statutes, to read:
39.202 Confidentiality of reports and records in cases of
child abuse or neglect.—
(2) Except as provided in subsection (4), access to such
records, excluding the name of the reporter which shall be
released only as provided in subsection (5), shall be granted
only to the following persons, officials, and agencies:
(t) Employees or agents of the Department of Education who
are responsible for the investigation or prosecution of
misconduct by certified educators.

Section 2. Paragraph (c) of subsection (2) of section
447.403, Florida Statutes, is amended to read:
447.403 Resolution of impasses.—
(2)
(c) If the district school board is the public employer and
an impasse is declared under subsection (1) involving a dispute
of a Merit Award Program plan under s. 1012.225, the dispute is
subject to an expedited impasse hearing. Notwithstanding
subsections (3), (4), and (5), and the rules adopted by the commission, the following procedures shall apply:

1. a. The commission shall furnish the names of seven special magistrates within 5 days after receiving notice of impasse. If the parties are unable to agree upon a special magistrate within 5 days after the date of the letter transmitting the list of choices, the commission shall immediately appoint a special magistrate. The special magistrate shall set the hearing, which shall be held no later than 15 days after the date of appointment of the special magistrate. Within 5 days after the date of appointment of a special magistrate, each party shall serve upon the special magistrate and upon each other party a written list of issues at impasse.

b. At the close of the hearing, the parties shall summarize their arguments and may provide a written memorandum in support of their positions.

e. Within 10 days after the close of the hearing, the special magistrate shall transmit a recommended decision to the commission and the parties.

d. The recommended decision of the special magistrate shall be deemed accepted by the parties, except as to those recommendations that a party specifically rejects, by filing a written notice with the commission and serving a copy on the other party within 5 days after the date of the recommended decision.

2. If a party rejects any part of the recommended decision of the special magistrate, the parties shall proceed directly to resolution of the impasse by the district school board pursuant to paragraph (4)(d).
Section 3. Paragraph (c) is added to subsection (16) of section 1002.33, Florida Statutes, paragraph (a) of subsection (20) of that section is amended, present subsection (26) of that section is redesignated as subsection (27), and a new subsection (26) is added to that section, to read:

1002.33 Charter schools.—
(16) EXEMPTION FROM STATUTES.—
(c) A charter school shall also comply with the following:
1. A charter school may not award a professional service contract or similar contract to a classroom teacher hired on or after July 1, 2010.
2. Beginning with the 2014-2015 school year and thereafter, a charter school must adopt a salary schedule for instructional personnel and school-based administrators which compensates instructional personnel and school-based administrators based on their performance. Salary adjustments for instructional personnel and school-based administrators must be based only on performance demonstrated under s. 1012.34. A charter school may not use length of service or degrees held by instructional personnel or school-based administrators as a factor in setting the salary schedule.
3. A charter school must meet the following requirements:
   a. Administer assessments that comply with s. 1008.222.
      However, a charter school may use its own assessments if the assessments comply with s. 1008.222;
   b. Maintain the security and integrity of end-of-course assessments developed or acquired pursuant to s. 1008.222; and
   c. Adopt a performance appraisal system that complies with s. 1012.34.
(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b).
for all students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2). Each charter school shall receive 100 percent of the funds awarded to that school pursuant to s. 1012.225. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

(26) FUNDING AND COMPLIANCE.—

(a) Effective with the beginning of the 2011-2012 year, and each year thereafter, the Commissioner of Education shall calculate and distribute funds from the Performance Fund for Instructional Personnel and School-Based Administrators in s. 1011.626 to charter schools in the same manner as for school districts. Charter schools must meet the requirements in s. 1011.626(5).

(b) By September 15 of each year, each charter school governing board shall certify to the Commissioner of Education that its school meets the requirements in paragraph (16)(c). The commissioner shall verify compliance with paragraph (16)(c) by selecting a sample of charter schools each year to provide information to determine compliance. On or before October 1 of each year, a selected charter school must submit the requested information to the commissioner. On or before December 15 of each year, the commissioner shall complete a review of each
selected charter school for that school year, determine
compliance with paragraph (16)(c), and notify each charter
school governing board and sponsor if the charter school is not
in compliance with paragraph (16)(c). The commissioner shall
certify the charter schools that do not comply with paragraph
(16)(c) to the Governor, the President of the Senate, and the
Speaker of the House of Representative on or before February 15
of each year. Each certified charter school shall receive a
funding adjustment of state funds equivalent to 5 percent of the
total Florida Education Finance Program funds provided in the
General Appropriations Act for the charter school. Such funding
adjustment shall be implemented through the withholding of funds
to which the charter school is entitled.

Section 4. Subsection (10) of section 1003.52, Florida
Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile
Justice programs.—

(10) The district school board shall recruit and train
teachers who are interested, qualified, or experienced in
educating students in juvenile justice programs. Students in
juvenile justice programs shall be provided a wide range of
educational programs and opportunities including textbooks,
technology, instructional support, and other resources available
to students in public schools. Teachers assigned to educational
programs in juvenile justice settings in which the district
school board operates the educational program shall be selected
by the district school board in consultation with the director
of the juvenile justice facility. Educational programs in
juvenile justice facilities shall have access to the substitute
teacher pool utilized by the district school board. Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by s. 1009.58 and other teacher recruitment and retention programs.

Section 5. Section 1003.62, Florida Statutes, is repealed.

Section 6. Paragraph (h) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(h) Sections 1012.22(1)(c) and 1012.27(2), relating to differentiated pay and performance-pay policies for school administrators and instructional personnel, and s. 1012.34, relating to appraisal procedures and criteria. Professional service contracts are subject to the provisions of s. 1012.33 and 1012.34. Contracts with classroom teachers hired on or after July 1, 2010, are subject to s. 1012.335.

Section 7. Section 1003.63, Florida Statutes, is repealed.
Section 8. Paragraph (b) of subsection (4) and subsections (5) and (6) of section 1004.04, Florida Statutes, are amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(4) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet the following as prerequisites for admission into the program:

1. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

2. Demonstrate mastery of general knowledge, including the ability to read, write, and compute, by passing the General Knowledge Test of the Florida Teacher Certification Examination, the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate
competencies to successfully meet requirements for certification.

(5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (4), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates’ performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic postsecondary educational institution within the state is contingent upon a determination by the Department of Education of student learning gains, as measured by state assessments required under s. 1008.22.

(b) Continued approval of specific teacher preparation programs at each public and nonpublic postsecondary educational institution within the state is contingent upon the passing of the written examination required by s. 1012.56 by at least 90 percent of the graduates of the program who take the examination. The Department of Education shall annually provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 1012.56.

(c) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates’ performance in this area. The criteria shall also
require instruction in working with underachieving students.

Program evaluation procedures must include, but are not limited to, program graduates’ satisfaction with instruction and the program’s responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the State Board of Education, the Board of Governors, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(d)(e) Continued approval for a teacher preparation program is contingent upon the results of periodic reviews, on a schedule established by the State Board of Education, of the program conducted by the postsecondary educational institution, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education, which must include the program’s review of and response to the effect of its candidates and graduates on K-12 student learning.
This plan must also incorporate and respond to the criteria established in paragraphs (a) and (b) and (c) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(e) Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in reading and higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(f) Continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection (4) and upon the receipt of at least a satisfactory rating from public schools and private schools that employ graduates of the program. Each teacher preparation program shall guarantee the high quality of its graduates during the first 2 years immediately following graduation from the program or following the graduate’s initial certification, whichever occurs first. Any educator in a Florida school who fails to demonstrate student learning gains the essential skills as specified in paragraph (a) subparagraphs 1.5. shall be provided additional training by the teacher preparation program at no expense to the educator or the employer. Such training must consist of an individualized plan agreed upon by the school
district and the postsecondary educational institution that includes specific learning outcomes. The postsecondary educational institution assumes no responsibility for the educator’s employment contract with the employer. Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education that, at a minimum, must include employer satisfaction of the graduates’ ability to do the following:

1. Write and speak in a logical and understandable style with appropriate grammar.

2. Recognize signs of students’ difficulty with the reading and computational process and apply appropriate measures to improve students’ reading and computational performance.

3. Use and integrate appropriate technology in teaching and learning processes.

4. Demonstrate knowledge and understanding of Sunshine State Standards.

5. Maintain an orderly and disciplined classroom conducive to student learning.

(g)(f)1. Each Florida public and private institution that offers a state-approved teacher preparation program must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that is consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics and that is approved by the State Board of Education. This information must include, at a minimum:

a. The percent of graduates obtaining full-time teaching
employment within the first year of graduation.

b. The average length of stay of graduates in their full-time teaching positions.

c. The percentage of graduates whose students achieved learning gains, as specified in paragraph (a). For purposes of this paragraph, the information shall include the percentage of the students taught per graduate who achieved learning gains. Satisfaction ratings required in paragraph (e).

2. Each public and private institution offering training for school readiness related professions, including training in the fields of child care and early childhood education, whether offering career credit, associate in applied science degree programs, associate in science degree programs, or associate in arts degree programs, shall annually report information regarding these programs to the state and the general public in a uniform and comprehensible manner that conforms with definitions and methods approved by the State Board of Education. This information must include, at a minimum:

a. Average length of stay of graduates in their teaching positions.

b. The percent of graduates obtaining full-time teaching employment within the first year of graduation. Satisfaction ratings of graduates’ employers.

This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution’s program graduates.
(6) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements. District school boards are authorized to pay student teachers during their internships.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experiences, preservice experience courses, or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate issued under pursuant to ss. 1012.56 and 1012.585; or at least 3 years of successful teaching experience in prekindergarten through grade 12.

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of “clinical educator” training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The State Board of Education shall approve the training requirements.

(c) Preservice field experience programs must provide for continuous student participation in K-12 classroom settings with supervised instruction of K-12 students. All preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, strategies for incorporating scientifically researched, knowledge-based reading literacy and computational
skills acquisition into classroom instruction, and ways to link
instructional plans to the Sunshine State Standards, as
appropriate. The length of structured field experiences may be
extended to ensure that candidates achieve the competencies
needed to meet certification requirements.

(d) Postsecondary teacher preparation programs, in
consultation with district school boards and
approved private school associations, shall select the school
sites for preservice field experience activities based on the
instructional skills of the instructor or supervisor with whom
the teaching candidate is placed, as demonstrated by the
instructor’s or supervisor’s sustained student learning gains as
specified in paragraph (5)(a). These sites must represent the
full spectrum of school communities, including, but not limited
to, schools located in urban settings. In order to be selected,
school sites must demonstrate commitment to the education of
public school students and to the preparation of future
teachers.

Section 9. Subsections (11) and (12) of section 1004.04,
Florida Statutes, are repealed.

Section 10. Paragraph (b) of subsection (3) and subsections
(4) and (5) of section 1004.85, Florida Statutes, are amended to
read:

1004.85 Postsecondary educator preparation institutes.—
(3) Educator preparation institutes approved pursuant to
this section may offer alternative certification programs
specifically designed for noneducation major baccalaureate
degree holders to enable program participants to meet the
educator certification requirements of s. 1012.56. Such programs
shall be competency-based educator certification preparation programs that prepare educators through an alternative route. An educator preparation institute choosing to offer an alternative certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) and (2) by obtaining a statement of status of eligibility prior to admission into the program which indicates eligibility for a temporary certificate in a teaching subject and meet the requirements of s. 1012.56(2)(a)-(f).

2. Participate in field experience that is appropriate to his or her educational plan.

3. Demonstrate mastery of general knowledge by one of the options provided in s. 1012.56(3) prior to completion of the program.

4. Fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification through field experiences and by achievement of a passing score on the corresponding subject area test prior to completion of the program and demonstrate mastery of professional preparation and education competence by achievement of a passing score on the professional education competency examination required by state board rule prior to completion of the program.

(4) Each alternative certification program institute
approved pursuant to this section shall submit to the Department of Education annual performance evaluations that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and a review of the impact that participants who have completed the program have on K-12 student learning and employer satisfaction surveys. The employer satisfaction surveys must be designed to measure the sufficient preparation of the educator to enter the classroom. These evaluations and evidence of student learning gains, as measured by state assessments required under s. 1008.22, shall be used by the Department of Education for purposes of continued approval of an educator preparation institute’s alternative certification program.

(5) Instructors for an alternative certification program approved pursuant to this section must meet the requirements of s. 1004.04(6) possess a master’s degree in education or a master’s degree in an appropriate related field and document teaching experience.

Section 11. Section 1008.222, Florida Statutes, is created to read:

1008.222 Development and implementation of end-of-course assessments of certain subject areas and grade levels.—

(1) Each school district must develop or acquire a valid and reliable end-of-course assessment for each subject area and grade level not measured by state assessments required under s. 1008.22 or by examinations in AP, IB, AICE, or a national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of
Education. The content, knowledge, and skills assessed by end-of-course assessments for each school district must be aligned to the core curricular content established in the Sunshine State Standards.

(2)(a) Beginning with the 2013-2014 school year, each school district must require that each school in the district administer the district’s standard assessment for each subject area or grade level, as described in subsection (1).

(b) Each district school superintendent must ensure that teachers who provide instruction in the same subject or grade level administer the same end-of-course assessment, as described in subsection (1). Each school district must adopt policies to ensure standardized administration and security of the assessments.

(c) Each district school superintendent is responsible for implementing standardized assessment security and administration, the reporting of assessment results, and using assessment results to comply with provisions of ss. 1012.22(1)(c) and 1012.34. The district school superintendent shall certify to the Commissioner of Education that the security of a standardized assessment required under this section is maintained. If a district school superintendent’s certification is determined to be invalid through an audit by the Auditor General or an investigation by the Department of Education, the superintendent is subject to suspension and removal on the grounds of misfeasance pursuant to s. 7, Art. IV of the State Constitution.

(d) The Commissioner of Education shall identify methods to assist and support districts in the development and acquisition
of assessments required under this section. Methods may include the development of item banks, facilitation of the sharing of developed tests among districts, and technical assistance in best professional practices of test development based on state-adopted curriculum standards, administration, and security.

Section 12. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1) (a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any career center; or any private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving
state financial aid awards shall be determined in the same
manner as resident status for tuition purposes pursuant to s.
1009.21.

3. Submission of certification attesting to the accuracy,
completeness, and correctness of information provided to
demonstrate a student’s eligibility to receive state financial
aid awards or tuition assistance grants. Falsification of such
information shall result in the denial of any pending
application and revocation of any award or grant currently held
to the extent that no further payments shall be made.
Additionally, students who knowingly make false statements in
order to receive state financial aid awards or tuition
assistance grants commit a misdemeanor of the second degree
subject to the provisions of s. 837.06 and shall be required to
return all state financial aid awards or tuition assistance
grants wrongfully obtained.

Section 13. Section 1009.54, Florida Statutes, is repealed.
Section 14. Section 1009.57, Florida Statutes, is repealed.
Section 15. Section 1009.58, Florida Statutes, is repealed.
Section 16. Section 1009.59, Florida Statutes, is repealed.
Section 17. Paragraph (c) of subsection (2) of section
1009.94, Florida Statutes, is amended to read:

1009.94 Student financial assistance database.—
(2) For purposes of this section, financial assistance
includes:

(c) Any financial assistance provided under s. 1009.50, s.
1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
Section 18. Section 1011.626, Florida Statutes, is created to read:

1011.626 Performance Fund for Instructional Personnel and School-Based Administrators.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to ensure that every student has a high-quality teacher in his or her classroom. The Legislature intends, therefore, to hold school districts accountable for demonstrably increasing student achievement.

(2) FINDINGS.—The Legislature finds that:

(a) Quality classroom teachers and school-based administrators are the single greatest indicators of student achievement.

(b) A school district that fails to reward quality classroom teachers or school-based administrators on the performance of their students, and instead rewards these individuals, in whole or in part, based on the number of years worked or degrees held, has violated s. 1012.22(1)(c). A school district’s failure to comply with s. 1012.22(1)(c) fails to maximize student learning by not providing the appropriate incentives to attract and retain quality classroom teachers and school-based administrators. As a result, students are penalized for the acts or omissions of district school boards or district school superintendents.

(c) A school district that fails to adopt and implement end-of-course assessments that comply with s. 1008.222 frustrates the purpose of ensuring that each student has a high-quality teacher in his or her classroom by preventing the
determination of the quality of a classroom teacher’s or school-based administrator’s performance.

(d) A school district that fails to comply with s. 1012.335 frustrates the purpose of ensuring that each student has a high-quality teacher in his or her classroom by preventing the school district from promptly removing a poor-performing classroom teacher from the classroom and employment.

(3) PERFORMANCE FUND.—Effective with the beginning of the 2011-2012 year and each year thereafter, the Performance Fund for Instructional Personnel and School-Based Administrators is established.

(4) CALCULATION OF THE FUND.—The Commissioner of Education shall calculate for the second calculation for each district and charter school an amount of state funds equivalent to 5 percent of the total state, local, and federal funding determined by the Florida Education Finance Program under ss. 1011.62, 1011.685, and 1011.71(1) and (3). Such funds shall be designated as each district’s and charter school’s annual Performance Fund for Instructional Personnel and School-Based Administrators.

(5) DISTRIBUTION OF THE FUND.—

(a) The commissioner shall distribute these funds in accordance with the provisions of s. 1011.62(12) to a district for the implementation of a salary schedule adopted by the district school board pursuant to s. 1012.22, implementation of a performance appraisal system pursuant to s. 1012.34, and the development of end-of-course assessments pursuant to s. 1008.222. The funds may not be used to increase the base salaries or salary adjustments of employees rated as unsatisfactory or needs improvement pursuant to s. 1012.34.
(b) If funds remain in a district’s Performance Fund for Instructional Personnel and School-Based Administrators after the end-of-course assessments in s. 1008.222, performance appraisal system requirements in s. 1012.34, and salary schedule requirements in s. 1012.22 have been met, the balance may be used by the district for the same purpose as funds provided pursuant to s. 1011.62(1)(t). Any funds remaining in a district’s fund at the end of the state fiscal year shall revert to the fund from which they were appropriated.

(c) A salary increase awarded from these funds shall be awarded in addition to any general increase or other adjustments to salaries which are made by a school district. An employee’s eligibility for or receipt of a salary increase shall not adversely affect that employee’s opportunity to qualify for or to receive any other compensation that is made generally available to other similarly situated district school board employees.

(d) Each district shall annually set aside sufficient federal grant funds to ensure that the policies described in this section are equally applied to eligible individuals paid from federal grants.

(6) REVIEW.—

(a) Beginning with the 2014-2015 fiscal year and each fiscal year thereafter, each district school board must submit the district-adopted salary schedule for the school year and supporting documentation to the commissioner for review on or before October 1 of each year. On or before December 15 of each year, the commissioner shall complete a review of each salary schedule submitted for that school year, determine compliance
with s. 1012.22(1)(c), and notify a district school board if the
district salary schedule fails to meet the requirements in s.
1012.22(1)(c). The commissioner shall certify those school
districts that do not comply with s. 1012.22(1)(c) to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives on or before February 15 of each year.

(b) Beginning with the 2013-2014 fiscal year and
thereafter, the commissioner shall select a sampling of school
district end-of-course assessments from multiple districts, and
school districts must submit for review the requested
assessments and supporting documentation on or before October 1
of each year. A school district that fails to provide the
requested assessment to the commissioner on or before October 1
of each year is in violation of s. 1008.222. On or before
December 15 of each year, the commissioner shall complete a
review of each selected assessment, determine compliance with s.
1008.222, and notify a district school board if the selected
assessment fails to meet the requirements in s. 1008.222. The
commissioner shall certify those school districts that do not
comply with s. 1008.222 to the Governor, the President of the
Senate, and the Speaker of the House of Representatives on or
before February 15 of each year.

(c) In the financial audit of each school district,
performed by either the Auditor General or an independent
certified public accountant in accordance with s. 218.39, the
auditor shall review a sample of classroom teacher contracts and
determine compliance with s. 1012.335. The sample shall be
selected in accordance with guidelines established by the
American Institute of Certified Public Accountants. The auditor
shall document violations of s. 1012.335 and provide the
documentation to the Commissioner of Education on or before
October 1 of each year following the audit. On or before
December 15 of each year, the commissioner shall notify the
Governor, the President of the Senate, the Speaker of the House
of Representatives, and each school district identified in the
audit that has not complied with s. 1012.335.

(7) FUNDING ADJUSTMENT.—A school district that is certified
by the commissioner as not in compliance with the law as
described in paragraph (6)(a), paragraph (6)(b), or paragraph
(6)(c) shall receive a funding adjustment equal to the amount
calculated in subsection (4). Such funding adjustment shall be
implemented through the withholding of undistributed funds to
which the district is otherwise entitled. To the extent a
district’s undistributed funds are insufficient to fully satisfy
the funding adjustment, the unsatisfied balance shall be
withheld from the district’s operating funds for the subsequent
fiscal year in the form of a prior year adjustment.

(8) RULEMAKING.—The State Board of Education shall adopt
rules pursuant to ss. 120.536(1) and 120.54 to implement this
section. Such rules shall include the documentation requirements
for districts, processes and criteria used for determining
whether the salary schedule, performance appraisal system, and
end-of-course assessments comply with this section, and the
reporting and monitoring processes that will be used to ensure
compliance with the use of funds distributed under paragraph
(5)(a).

Section 19. Subsection (2) of section 1011.69, Florida
Statutes, is amended to read:
1011.69 Equity in School-Level Funding Act.—
(2) Beginning in the 2003-2004 fiscal year, district school
boards shall allocate to schools within the district an average
of 90 percent of the funds generated by all schools and
guarantee that each school receives at least 80 percent of the
funds generated by that school based upon the Florida Education
Finance Program as provided in s. 1011.62 and the General
Appropriations Act, including gross state and local funds,
discretionary lottery funds, and funds from the school
district’s current operating discretionary millage levy. Total
funding for each school shall be recalculated during the year to
reflect the revised calculations under the Florida Education
Finance Program by the state and the actual weighted full-time
equivalent students reported by the school during the full-time
equivalent student survey periods designated by the Commissioner
of Education. If the district school board is providing programs
or services to students funded by federal funds, any eligible
students enrolled in the schools in the district shall be
provided federal funds. Only academic performance-based charter
school districts, pursuant to s. 1003.62, are exempt from the
provisions of this section.

Section 20. Subsection (4) of section 1012.05, Florida
Statutes, is amended to read:

1012.05 Teacher recruitment and retention.—
(4) The Department of Education, in cooperation with
district personnel offices, may sponsor virtual job fairs
a job fair in a central part of the state to match high-quality,
in-state educators and potential educators and out-of-state
educators and potential educators with teaching opportunities in
this state. The Department of Education is authorized to collect a job fair registration fee not to exceed $20 per person and a booth fee not to exceed $250 per school district or other interested participating organization. The revenue from the fees shall be used to promote and operate the job fair. Funds may be used to purchase promotional items such as mementos, awards, and plaques.

Section 21. Section 1012.07, Florida Statutes, is amended to read:

1012.07 Identification of critical teacher shortage areas.—
(1) As used in ss. 1009.57, 1009.58, and 1009.59, the term “critical teacher shortage area” means high-need content areas applies to mathematics, science, career education, and high-priority high-priority location areas identified by the State Board of Education may identify career education programs having critical teacher shortages. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to annually identify other critical teacher shortage areas and high-priority location areas. The state board must consider current and emerging educational requirements and workforce demands teacher characteristics such as ethnic background, race, and sex in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify and submit other critical teacher shortage areas. Such submissions must be aligned to current and emerging educational requirements and workforce demands in order to be certified and approved by the State Board of Education. High-priority high-priority location areas shall be in high-priority high-priority location areas.
density, low-economic urban schools, and low-density, low-economic rural schools, and schools identified as lowest performing under s. 1008.33(4)(b) shall include schools which meet criteria which include, but are not limited to, the percentage of free lunches, the percentage of students under Chapter I of the Education Consolidation and Improvement Act of 1981, and the faculty attrition rate.

(2) This section shall be implemented only to the extent as specifically funded and authorized by law.

Section 22. Effective July 1, 2014, paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1.a. As provided in this paragraph, the district school board shall adopt a salary schedule that compensates employees based on their performance. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

b.2. A district school board, in determining the salary
adjustments schedule for instructional personnel and school-based administrators, must base a portion of each employee’s adjustment only compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

c. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

2.4. Beginning with the 2007-2008 academic year, Each district school board shall adopt a salary adjustment for schedule with differentiated pay for both instructional personnel and school-based administrators. The salary schedule is subject to negotiation as provided in chapter 447 and must allow differentiated pay based on the following:

a. Assignment to a school in a high-priority location area, as defined in State Board of Education rule, with continued differentiated pay contingent upon documentation of performance under s. 1012.34;

b. Certification and teaching in critical teacher shortage areas, as defined in State Board of Education rule, with continued differentiated pay contingent upon documentation of performance under s. 1012.34; and

c. Assignment of additional academic responsibilities, with continued differentiated pay contingent upon documentation of performance under s. 1012.34.
3. A district school board shall adopt a salary schedule for beginning and renewing teachers as follows:
   a. A beginning teacher. For purposes of this sub-
      subparagraph, the term “beginning teacher” is a classroom
      teacher as defined in s. 1012.01(2)(a), excluding a substitute
      teacher, who has no prior K-12 teaching experience.
   b. A teacher who holds a valid professional standard
      certificate issued by another state and who is hired by the
      district school board.
   c. A teacher who holds a valid professional certificate
      issued pursuant to s. 1012.56, who has not taught in the
      classroom at any time during the previous certification period,
      and who is hired by the district school board.

4. The salary schedule in subparagraph 3. shall be in
   effect only for the first year that the teacher provides
   instruction in a Florida K-12 classroom. A district school board
   may not use length of service or degrees held as a factor in
   setting a salary schedule district-determined factors,
   including, but not limited to, additional responsibilities,
   school demographics, critical shortage areas, and level of job
   performance difficulties.

Section 23. Section 1012.225, Florida Statutes, is
   repealed.

Section 24. Section 1012.2251, Florida Statutes, is
   repealed.

Section 25. Subsection (5) of section 1012.33, Florida
   Statutes, is amended to read:
   1012.33 Contracts with instructional staff, supervisors,
   and school principals.—
(5) Should a district school board have to choose from among its personnel who are on continuing contracts or professional service contracts as to which should be retained, such decisions shall be based primarily upon the employee’s performance as provided in s. 1012.34 made pursuant to the terms of a collectively bargained agreement, when one exists. If no such agreement exists, the district school board shall prescribe rules to handle reductions in workforce.

Section 26. Section 1012.335, Florida Statutes, is created to read:

1012.335 Contracts with classroom teachers hired on or after July 1, 2010.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Annual contract” means a contract for a period of no longer than 1 school year in which the district school board may choose to renew or not renew without cause.

(b) “Classroom teacher” means a classroom teacher as defined in s. 1012.01(2)(a), excluding substitute teachers.

(c) “Probationary contract” means a contract for a period of no longer than 1 school year during which a classroom teacher may be dismissed without cause or may resign from the contractual position without breach of contract.

(2) EMPLOYMENT.—

(a) Beginning July 1, 2010, each person newly hired as a classroom teacher by a school district shall receive a probationary contract.

(b) A classroom teacher may receive up to four annual contracts in a school district in this state if the teacher:

1. Holds a professional certificate as prescribed by s.
1074 1012.56 and in the rules of the State Board of Education; and
1075 2. Has been recommended by the district school
1076 superintendent for the annual contract and approved by the
1077 district school board.
1078 (c) A classroom teacher may not receive an annual contract
1079 for the 6th year of teaching and thereafter unless the classroom
1080 teacher:
1081 1. Holds a professional certificate as prescribed by s.
1082 1012.56 and in the rules of the State Board of Education;
1083 2. Has been recommended by the district school
1084 superintendent for the annual contract and approved by the
1085 district school board; and
1086 3. Has received an effective or highly effective
1087 designation on his or her appraisal pursuant to s. 1012.34 in at
1088 least 2 of the 3 preceding years for each year an annual
1089 contract is sought.
1090 (3) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
1091 CONTRACT.—A classroom teacher who has an annual contract may be
1092 suspended or dismissed at any time during the term of the
1093 contract for just cause as provided in subsection (4). The
1094 district school board must notify a classroom teacher in writing
1095 whenever charges are made against the classroom teacher, and the
1096 district school board may suspend him or her without pay.
1097 However, if the charges are not sustained, the classroom teacher
1098 shall be immediately reinstated and his or her back pay shall be
1099 paid.
1100 (4) JUST CAUSE.—The State Board of Education shall adopt
1101 rules to define the term “just cause.” Just cause includes, but
1102 is not limited to: 
(a) Immorality.
(b) Misconduct in office.
(c) Incompetency.
(d) Gross insubordination.
(e) Willful neglect of duty.
(f) Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
(g) Poor performance as demonstrated by a lack of student learning gains, as specified in s. 1012.34.

Section 27. Section 1012.34, Florida Statutes, is amended to read:

1012.34 Appraisal Assessment procedures and criteria.—
(1) For the purpose of increasing student achievement by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The Department of Education must approve each district’s instructional personnel appraisal assessment system and appraisal instruments. The Department of Education must approve each school-based administrator appraisal system and appraisal instruments. The department shall collect from each school district the annual performance ratings of all instructional and school-based administrative personnel and report the percentage of each of these employees receiving each rating category by school and by district to the Governor, the President of the
Senate, and the Speaker of the House of Representatives.

(2) The following conditions must be considered in the design of the district’s instructional personnel appraisal system:

   (a) The system must be designed to support high-quality instruction and increased academic achievement district and school level improvement plans.

   (b) The system must provide appropriate appraisal instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.

   (c) The system must include a mechanism to examine performance data from multiple sources, which includes giving parents an opportunity to provide input into employee performance appraisals assessments when appropriate.

   (d) In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.

   (e) Each district school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

   (f) Each district school board shall provide training programs that are based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the appraisal assessment criteria and procedures.

   (g) The system must differentiate among four levels of performance: unsatisfactory, needs improvement, effective, and
highly effective. The Commissioner of Education shall consult with performance pay experts and classroom teachers in developing the performance levels. Beginning with the 2014-2015 school year and thereafter, instructional personnel and school-based administrators may not be rated as effective or highly effective if their students fail to demonstrate learning gains.  

(h) The system must include a process for monitoring the effective and consistent use of appraisal criteria by supervisors and administrators and a process for evaluating the effectiveness of the system itself in improving the level of instruction and learning in the district’s schools.  

(3) The appraisal assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as described in paragraph (a) appropriate. Pursuant to this section, A school district’s performance appraisal assessment is not limited to basing unsatisfactory performance of instructional personnel and school administrators upon student performance, but may include other criteria approved to evaluate instructional personnel and school administrators’ performance, or any combination of student performance and other approved criteria. The procedures must comply with, but are not limited to, the following requirements:  

(a) An appraisal assessment must be conducted for each employee at least once a year, except that an appraisal for each teacher, as described in s. 1012.22(1)(c)3., must be conducted at least twice a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data...
and indicators of improvement in student performance assessed
annually as specified in s. 1008.22 and may consider results of
peer reviews in evaluating the employee’s performance. Student
performance must be measured by state assessments required under
s. 1008.22 and by local assessments for subjects and grade
levels not measured by the state assessment program. The
appraisal assessment criteria must include, but are not limited
to, indicators that relate to the following:

1. Performance of students.

a. Beginning with the 2014-2015 school year and thereafter,
for the classroom teacher, the learning gains of students
assigned to the teacher must comprise more than 50 percent of
the determination of the classroom teacher’s performance.

Beginning with the 2014-2015 school year and thereafter, for
instructional personnel, who are not classroom teachers, the
learning gains of students assigned to the school must comprise
more than 50 percent of the determination of the individual’s
performance. A school district may use the learning gains of
students assigned to the classroom teacher for the preceding 3
years, or, for instructional personnel who are not classroom
teachers, the learning gains of students assigned to the school
for the preceding 3 years, to determine the individual’s
performance. For purposes of this sub-subparagraph, “school”
means the school to which the instructional personnel, who is
not a classroom teacher, was assigned for the last 3 years.

Student learning gains are measured by state assessments
required under s. 1008.22, examinations in AP, IB, AICE, or a
national industry certification identified in the Industry
Certification Funding List pursuant to rules adopted by the
State Board of Education, or district assessments for subject areas and grade levels as required under s. 1008.222.  

b. For instructional personnel, more than 50 percent of the determination of the individual’s performance must be based on the performance of students assigned to their classrooms or schools, as appropriate. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. This sub-subparagraph expires July 1, 2014.

2. Instructional practice. For instructional personnel, performance criteria must be based on the Florida Educator Accomplished Practices adopted by the State Board of Education by rule, which include:

a. Ability to maintain appropriate discipline.

b. Knowledge of subject matter. A district school board may consider advanced degrees held by instructional personnel.

The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

c. Ability to plan and deliver effective instruction and the effective use of technology in the classroom.

d. Ability to use assessment data and other evidence of student learning to design and implement differentiated instructional strategies in order to meet individual student needs for remediation or acceleration evaluate instructional needs.

e. Ability to establish and maintain a positive collaborative relationship with students’ families to increase student achievement.
Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

3. Instructional leadership performance.
   a. Beginning with the 2014-2015 school year and thereafter, for a school-based administrator, the learning gains of students assigned to the school must comprise more than 50 percent of the determination of the school-based administrator’s performance. A school district may use the learning gains of students assigned to the school for the preceding 3 years to determine the school-based administrator’s performance. For purposes of this sub-subparagraph, “school” means the school to which the administrator was assigned for the last 3 years. Student learning gains are measured by state assessments required under s. 1008.22, examinations in AP, IB, AICE, or a national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education, or district assessments for subject areas and grade levels as required under s. 1008.222.
   b. For school-based administrators, more than 50 percent of the determination of the individual’s performance must be based on the performance of students assigned to their schools. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. This sub-subparagraph expires July 1, 2014.

4. Instructional leadership practice. For a school-based administrator, performance criteria must be based on the Florida Principal Leadership Standards adopted by the State Board of
Education under s. 1012.986, which includes the ability to:

a. Manage human, financial, and material resources so as to maximize the share of resources used for direct instruction, as opposed to overhead or other purposes; and

b. Recruit and retain high-performing teachers.

(b) All personnel must be fully informed of the criteria and procedures associated with the appraisal assessment process before the appraisal assessment takes place.

(c) The individual responsible for supervising the employee must evaluate assess the employee’s performance. The evaluator must submit a written report of the appraisal assessment to the district school superintendent for the purpose of reviewing the employee’s contract. The evaluator must submit the written report to the employee no later than 10 days after the appraisal assessment takes place. The evaluator must discuss the written report of the appraisal assessment with the employee. The employee shall have the right to initiate a written response to the appraisal assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.
2. a. If the employee holds an annual contract as provided in s. 1012.335, and receives an unsatisfactory performance appraisal pursuant to the criteria in subparagraph (a)2., the employee may request a review of the appraisal by the district school superintendent or his or her designee. The district school superintendent may review the employee’s appraisal.

b. If the employee holds a professional service contract as provided in s. 1012.33, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

c. Within 14 days after the close of the 90 calendar days, the evaluator must evaluate whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within 14 days after receiving the evaluator’s recommendation, the district school superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies
have been satisfactorily corrected and whether the district school superintendent will recommend that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the district school superintendent’s recommendation, the employee must, within 15 days after receipt of the district school superintendent’s recommendation, submit a written request for a hearing. The hearing shall be conducted at the district school board’s election in accordance with one of the following procedures:

(I) A direct hearing conducted by the district school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the district school board shall be required to sustain the district school superintendent’s recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

(II) A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the district school board. A majority vote of the membership of the district school board shall be required to sustain or change the administrative law judge’s recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(4) The district school superintendent shall notify the
department of any instructional personnel who receive two
consecutive unsatisfactory evaluations and who have been given
written notice by the district that their employment is being
terminated or is not being renewed or that the district school
board intends to terminate, or not renew, their employment. The
department shall conduct an investigation to determine whether
action shall be taken against the certificateholder pursuant to
s. 1012.795(1)(c).

(5) The district school superintendent shall develop a
mechanism for evaluating the effective use of appraisal
assessment criteria and evaluation procedures by administrators
who are assigned responsibility for evaluating the performance
of instructional personnel. The use of the appraisal assessment
and evaluation procedures shall be considered as part of the
annual appraisal assessment of the administrator’s performance.
The system must include a mechanism to give parents and teachers
an opportunity to provide input into the administrator’s
performance assessment, when appropriate.

(6) Nothing in this section shall be construed to grant a
probationary employee a right to continued employment beyond the
term of his or her contract.

(7) The district school board shall establish a procedure
annually reviewing instructional personnel appraisal assessment
systems to determine compliance with this section. All
substantial revisions to an approved system must be reviewed and
approved by the district school board before being used to
evaluate assess instructional personnel. Upon request by a
school district, the department shall provide assistance in
developing, improving, or reviewing an appraisal assessment
(8) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54, that establish uniform guidelines for the submission, review, and approval of district procedures for the annual appraisal assessment of instructional personnel and school-based administrative personnel and that include the method of calculating rates of student learning tied to differentiated levels of performance as provided for in paragraph (2)(g) and criteria for evaluating professional performance.

Section 28. Subsection (3) is added to section 1012.42, Florida Statutes, to read:

1012.42 Teacher teaching out-of-field.—

(3) CERTIFICATION REQUIREMENTS.—Beginning in the 2010-2011 school year, a district school board shall not assign any beginning teacher to teach reading, science, or mathematics if he or she is not certified in reading, science, or mathematics.

Section 29. Section 1012.52, Florida Statutes, is repealed.

Section 30. Paragraph (c) of subsection (2), subsections (5), (6), and (7), paragraph (b) of subsection (9), and subsection (17) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(2) ELIGIBILITY CRITERIA.—To be eligible to seek certification, a person must:

(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 the Department of Education has identified as having a quality program resulting in a
bachelor’s degree, or higher. Each applicant seeking initial
certification 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. The applicant may document the required education by
submitting official transcripts from institutions of higher
education or by authorizing the direct submission of such
official transcripts through established electronic network
systems. The bachelor’s or higher degree may not be required in
areas approved in rule by the State Board of Education as
nondegreed areas. The State Board of Education may adopt rules
that, for purposes of demonstrating completion of certification
requirements specified in state board rule, allow for the
acceptance of college course credits recommended by the American
Council on Education (ACE), as posted on an official ACE
transcript.

(5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area
examinations required by state board rule, which may include,
but need not be limited to, world languages in Arabic, Chinese,
Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi,
Italian, Japanese, Portuguese, Russian, and Spanish;

(b) Completion of a bachelor’s degree or higher and
verification of the attainment of an oral proficiency interview
score above the intermediate level and a written proficiency
score above the intermediate level on a test administered by the
American Council on the Teaching of Foreign Languages for which
there is no Florida-developed examination;

(c) Completion of the subject area specialization
requirements specified in state board rule and verification of
the attainment of the essential subject matter competencies by
the district school superintendent of the employing school
district or chief administrative officer of the employing state-
supported or private school for a subject area for which a
subject area examination has not been developed and required by
state board rule;
(d) Completion of the subject area specialization
requirements specified in state board rule for a subject
coverage requiring a master’s or higher degree and achievement
of a passing score on the subject area examination specified in
state board rule;
(e) A valid professional standard teaching certificate
issued by another state and achievement of a passing score on
the subject area exam specified in State Board of Education rule
or by a full demonstration of mastery of his or her ability to
teach the subject area for which he or she is seeking
certification, as provided by rules of the State Board of
Education; or
(f) 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.

School districts are encouraged to provide mechanisms for those
middle school teachers holding only a K-6 teaching certificate
to obtain a subject area coverage for middle grades through
postsecondary coursework or district add-on certification.

(6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
COMPETENCE.—Acceptable means of demonstrating mastery of
professional preparation and education competence are:

(a) Completion of an approved teacher preparation program
at a postsecondary educational institution within this state and
achievement of a passing score on the professional education
competency examination required by state board rule;

(b) Completion of a teacher preparation program at a
postsecondary educational institution outside Florida and
achievement of a passing score on the professional education
competency examination required by state board rule;

(c) A valid professional standard teaching certificate
issued by another state;

(d) 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;

(e) Documentation of two semesters of successful teaching
in a community college, state university, or private college or
university that awards an associate or higher degree and is an
accredited institution or an institution of higher education
identified by the Department of Education as having a quality
program;

(f) Completion of professional preparation courses as
specified in state board rule, successful completion of a
professional education competence demonstration program pursuant
to paragraph (8)(b), and achievement of a passing score on the
professional education competency examination required by state
board rule;

(g) Successful completion of a professional preparation
alternative certification and education competency program,
outlined in paragraph (8)(a); \(\Rightarrow\)
(h) Successful completion of an alternative certification program pursuant to s. 1004.85 and achievement of a passing score on the professional education competency examination required by rule of the State Board of Education; or—

(i) Successful completion of a professional education training program provided by Teach for America and achievement of a passing score on the professional education competency examination required by rule of the State Board of Education.

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2).

(b) The department shall issue a temporary certificate to any applicant who meets the following requirements:

1. Completes the requirements outlined in paragraphs (2)(a)-(f); and
2. a. Completes the subject area content requirements specified in state board rule; or
   b. Demonstrates mastery of subject area knowledge pursuant to subsection (5); and
3. Holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor’s degree in the area of speech-language impairment to allow for completion of a master’s degree program in speech-language impairment.
Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraphs (2)(g) and (h) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g) or paragraph (2)(h). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g) or paragraph (2)(h), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

(9) EXAMINATIONS.—

(b) The State Board of Education shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and temporary certificate. Such rules
must define generic subject area and reading instruction
competencies and must establish uniform evaluation guidelines.
The State Board of Education shall review the current subject
area examinations and, if necessary, revise the passing scores
and reading instruction pursuant to s. 1001.215 required for
achieving certification in order to match expectations for
teacher competency in each subject area.

(17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.—
Beginning with the 2003-2004 school year, the Department of
Education shall conduct a longitudinal study to compare
performance of certificateholders who are employed in Florida
school districts. The study shall compare a sampling of
educators who have qualified for a professional certificate
since July 1, 2002, based on the following:

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

The department comparisons shall be made to determine if there
is any significant difference in the performance of these groups
of teachers, as measured by their students’ achievement levels
and learning gains as measured by s. 1008.22.

Section 31. Paragraph (b) of subsection (2) and subsection
(5) of section 1012.585, Florida Statutes, are amended, and
subsection (6) is added to that section, to read:

1012.585 Process for renewal of professional certificates.—
(2) A teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher’s national certificate in the subject shown on the national certificate. A complete renewal application and fee shall be submitted. The Commissioner of Education shall notify teachers of the renewal application and fee requirements. This paragraph expires July 1, 2014.

(5) The State Board of Education shall adopt rules to allow the reinstatement of expired professional certificates. The department may reinstate an expired professional certificate if the certificateholder:

(a) Submits an application for reinstatement of the expired certificate.

(b) Documents completion of 6 college credits during the 5 years immediately preceding reinstatement of the expired certificate, completion of 120 inservice points, or a combination thereof, in an area specified in paragraph (3)(a).

(c) Meets the requirements in subsection (6).

(d) During the 5 years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area test for each subject to be shown on the reinstated certificate.

The requirements of this subsection may not be satisfied by subject area tests or college credits completed for issuance of the certificate that has expired.

(6) Beginning with the 2014-2015 school year, the
requirements for the renewal of a professional certificate shall include documentation of effective or highly effective performance as demonstrated under s. 1012.34 for at least 4 of the preceding 5 years before the renewal certification is sought. The State Board of Education shall adopt rules to define the process for documenting effective performance under this subsection, including equivalent options for individuals who have not been evaluated under s. 1012.34. An individual’s certificate shall expire if the individual is not able to demonstrate effective performance as required under this subsection and the rules of the state board. The individual may apply to reinstate his or her professional certificate under subsection (5).

Section 32. Subsection (2) of section 1012.72, Florida Statutes, is amended to read:

1012.72 Dale Hickam Excellent Teaching Program.—
(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for bonuses for teaching excellence. The bonuses may be provided for initial certification for up to one 10-year period for individuals holding NBPTS certification on July 1, 2010, and who remain continuously employed in a public school in this state or the Florida School for the Deaf and the Blind. The Department of Education shall distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the
amounts earned for the following:

(a) An annual bonus equal to 10 percent of the prior fiscal year’s statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(b) An annual bonus equal to 10 percent of the prior fiscal year’s statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (a) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. Related services must include instruction in helping teachers work more effectively with the families of their students. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.
(c) The employer’s share of social security and Medicare taxes for those teachers who receive bonus amounts under paragraph (a) or paragraph (b).

Section 33. Subsection (1) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.—
(1) The Education Practices Commission consists of 25 members, including 11 teachers; 5 administrators, at least one of whom may represent a private school; 5 lay citizens, 3 of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members; and 4 sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:
1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 10 years, with at least 5 years of experience in this state immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:
1. Must have an endorsement on the educator certificate in the area of school administration or supervision.

2. Must be a resident of the state.

3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

   (c) The lay members must be residents of the state.

   (d) The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.

Section 34. Paragraph (h) of subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon an
order of the court or notice by the Department of Revenue
relating to the payment of child support; or may impose any
other penalty provided by law, if the person:

(h) Has breached a contract, as provided in s. 1012.33(2)
or s. 1012.335.

Section 35. Review of teacher preparation program funding.—
(1) The Department of Education, in collaboration with the
Board of Governors, shall develop a methodology to determine the
cost-effectiveness of the teacher preparation programs in ss.
1004.04, 1004.85, and 1012.56(8), Florida Statutes. The
methodology for determining program costs must use existing
expenditure data, when available.

(2) On or before December 1, 2011, the Department of
Education shall submit a report to the Governor, the President
of the Senate, and the Speaker of the House of Representatives
which:

(a) Provides a methodology to evaluate the cost-
effectiveness of teacher preparation programs based on program
costs, program outcomes of student cohorts such as completion
rates, placement rates in teaching jobs, retention rates in the
classroom, and student achievement and learning gains of
students taught by graduates;

(b) Uses the methodology developed to evaluate the cost-
effectiveness of the state’s teacher preparation programs; and

(c) Provides recommendations that would enhance the
Legislature’s ability to consider the program’s productivity
when allocating funds.

(3) The Office of Program Policy Analysis and Government
Accountability shall review the current standards for the
continued approval of teacher preparation programs and make recommendations to the Legislature on or before January 1, 2012, for any needed changes. Such recommendations shall include proposed changes to the allocation of any state funds to teacher preparation programs and the students enrolled in these programs.

Section 36. (1) Any school district that received a grant of at least $75 million from a private foundation for the purpose of improving the effectiveness of teachers within the school district may seek an annual exemption from the State Board of Education of ss. 1008.222, 1011.626, Florida Statutes, as created by this act, and the amendments to ss. 1012.22 and 1012.34, Florida Statutes, as amended by this act.

(2) To receive approval from the State Board of Education for an exemption under this section, a school district must demonstrate to the State Board of Education that it is implementing the following:

(a) A teacher appraisal system that uses student performance as the single greatest component of the teacher’s evaluation.

(b) A teacher compensation system that awards salary increases based on sustained student performance.

(c) A teacher contract system that awards contracts based on student performance.

(3) The State Board of Education shall annually renew a school district’s exemption if the school district provides a progress report that demonstrates that the school district continues to meet the requirements of subsection (2).

(4) The State Board of Education shall adopt rules pursuant
Section 37. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 38. The amendments to s. 1012.33, Florida Statutes, shall apply to contracts newly entered into, extended, or readopted on or after July 1, 2010, and to all contracts on or after July 1, 2013.

Section 39. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2010.