

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1220

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: January 17, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 1220 modifies provisions relating to initial teacher preparation (ITP) programs, demonstration of subject area mastery for educator certification, and the Education Practices Commission (EPC). Specifically, the bill:

- Modifies admissions and uniform core curricula requirements for ITP programs by:
  - Changing from an admission requirement to a program requirement the provisions related to student grade point average and mastery of general knowledge.
  - Modifying ITP program core curricula relating to reading instructional strategies and adding a new requirement for mental health strategies and support.
- Authorizes an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions.
- Modifies requirements relating to the EPC to specify that:
  - The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
  - The administrative assignment of the EPC to the Department of Education includes fiscal accountability.
  - The EPC may expend funds for legal services, and removes the authority to expend funds for a general counsel or access to counsel.

The bill has no impact on state expenditures. The bill may impact state revenues, see section V.

The bill takes effect on July 1, 2020.

## II. Present Situation:

### Education Preparation Programs

In Florida, initial teacher preparation (ITP) programs are accountable for producing individuals with the competencies and skills necessary to achieve state education goals.<sup>1</sup> ITP programs prepare candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas, mastery of general knowledge, and mastery of professional preparation and education competence. There are currently 53 state-approved<sup>2</sup> ITP programs at Florida College System institutions, state universities, and independent colleges and universities, which typically culminate in a bachelor's or master's degree.<sup>3</sup> ITP program completers are eligible for a Florida Professional Educator's Certification upon program completion.<sup>4</sup>

In order to be admitted into an ITP program, a student must, at a minimum:

- 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 an approved college or university.<sup>5</sup>
- Demonstrate mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an approved institution.<sup>6</sup>

Each ITP program may waive these admissions requirements for up to 10 percent of the students admitted. Programs must implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification, and must annually report to the Department of Education the status of each candidate admitted under such a waiver.

The State Board of Education (SBE) must adopt rules to establish uniform core curricula for each state-approved teacher preparation program.<sup>7</sup> These rules must include, at a minimum, the following:<sup>8</sup>

- The Florida Educator Accomplished Practices.<sup>9</sup>

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<sup>1</sup> Section 1004.04(1)(b), F.S.

<sup>2</sup> Section 1004.04, F.S., and Rule 6A-5.066(2), F.A.C., detail criteria for state approval of ITP programs.

<sup>3</sup> Florida Department of Education, *State-Approved Educator Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited Jan. 15, 2020). Thirty-three ITP programs are at public colleges and universities, and 20 ITP programs are at independent colleges and universities. *Id.*

<sup>4</sup> Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation/> (last visited Jan. 15, 2020), and Rule 6A-5.066(1)(p), F.A.C.

<sup>5</sup> An approved institution is one that is accredited by a specified regional accrediting association or an accrediting agency approved by the United States Department of Education. A qualifying non-accredited institution is one that is identified as having a quality program resulting in a bachelor's degree or higher by criteria specified in SBE rule. Rule 6A-4.003, F.A.C.

<sup>6</sup> Rule 6A-4.003, *supra* note 5.

<sup>7</sup> Section 1004.04(2)(a), F.S.

<sup>8</sup> Section 1004.04(2)(b)1.-7., F.S.

<sup>9</sup> The Florida Educator Accomplished Practices are Florida's core standards for effective educators. The Accomplished Practices form the foundation for the state's teacher preparation programs, educator certification requirements and school district instructional personnel appraisal systems. The Accomplished Practices are based on three essential principles: (1) the

- The use of state-adopted content standards to guide curricula and instruction.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematics practices.
- Strategies appropriate for the instruction of English language learners.
- Strategies appropriate for the instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.

### **Educator Certification Requirements**

The Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.<sup>10</sup>

In order to seek educator certification, a person must meet general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution.<sup>11</sup> Individuals must also demonstrate mastery of general knowledge, if the person serves as a classroom teacher; mastery of subject area knowledge; and mastery of professional preparation.<sup>12</sup>

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

In order to seek professional certification as a classroom teacher,<sup>13</sup> a person must, among other requirements, demonstrate mastery of general knowledge.<sup>14</sup> Florida law provides options for a teacher to demonstrate mastery of general knowledge.<sup>15</sup> Such options include achieving passing scores on all sections of the general knowledge examination required by SBE rule,<sup>16</sup> holding a specified teaching certificate from another state, completing specified postsecondary teaching experience, or achieving passing scores on the Graduate Record Examination.

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effective educator creates a culture of high expectations for all students by promoting the importance of education and each student's capacity for academic achievement; (2) the effective educator demonstrates deep and comprehensive knowledge of the subject taught; and (3) the effective educator exemplifies the standards of the profession. Rule 6A-5.065, F.A.C.

<sup>10</sup> Section 1012.54, F.S.

<sup>11</sup> Section 1012.56(2)(c), F.S., and Rule 6A-4.003, *supra* note 5.

<sup>12</sup> Section 1012.56(2)(g)-(i), F.S.

<sup>13</sup> Section 1012.01(2)(a), F.S.

<sup>14</sup> Section 1012.56(2), F.S.

<sup>15</sup> Section 1012.56(3), F.S.

<sup>16</sup> In 2014, the general knowledge test was redeveloped to match the increased rigor of competencies and skills required for teacher certification. The SBE also approved new higher passing scores for the examination. These new passing scores for all subtests of the General Knowledge Test became effective January 1, 2015. State Board of Education, *Approval of Amendment to Rule 6A-4.0021, Florida Teacher Certification Examinations* (Nov. 18, 2014), available at <http://www.fldoe.org/core/fileparse.php/9931/urlt/0109031-40021.pdf>. The cut scores were set for a beginning effective teacher, one that is likely to have successful students in his or her classroom as opposed to the prior standard, which was minimum competency. State Board of Education, *Nov. 18, 2014 Meeting Minutes* (Jan. 14, 2015), available at <http://www.fldoe.org/core/fileparse.php/9971/urlt/minutes11415.pdf>, at 7.

The General Knowledge Test is a component of the Florida Teacher Certification Examination<sup>17</sup> and includes subtests in English language skills, reading, writing, mathematics.<sup>18</sup> In 2018, there were 87,457 first-time and retake attempts, with a pass rate of 52 percent.<sup>19</sup> Among examinees in a state-approved teacher preparation program, there were 11,924 first-time and retake attempts, with a pass rate of 60 percent.<sup>20</sup>

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

Acceptable means of demonstrating mastery of subject area knowledge are:<sup>21</sup>

- For bachelor's degree level subjects:<sup>22</sup> achievement of a passing score on the appropriate subject area examination<sup>23</sup> earned no more than 10 years prior to the date of application.<sup>24</sup>
- For master's degree level subjects:<sup>25</sup> completion of the required degree and content courses for the subject and achievement of a passing score on the appropriate Florida subject area examination earned no more than 10 years prior to the date of application.
- For all subject areas: hold a valid standard certificate in the subject area applied for from a state or territory, or hold a specified valid national certificate in the subject area.
- For select world languages: passage of a specified foreign language proficiency examination.

### **Education Practices Commission**

Educator misconduct occurs in various forms and ranges in severity from allegations of direct harm to students (such as physical or sexual abuse) to an act detrimental to the education profession (such as falsifying documentation of continuing education courses or cheating on a professional exam).<sup>26</sup>

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<sup>17</sup> The purpose of the Florida Teacher Certification examinations (FTCE) is to ensure that all teacher candidates demonstrate the necessary content and pedagogical knowledge necessary to effectively instruct students in Florida. Florida Department of Education, *Florida Teacher Certification Examinations (FTCE)*, <http://fldoe.org/accountability/assessments/postsecondary-assessment/ftce/> (last visited Jan. 14, 2020). The written examinations includes subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. Rule 6A-4.0021(2), F.A.C.

<sup>18</sup> Rule 6A-4.0021, F.A.C.

<sup>19</sup> Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 33.

<sup>20</sup> *Id.* at 73.

<sup>21</sup> Florida Department of Education, *Subject Area Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Jan. 14, 2020). See also s. 1012.56(5), F.S.

<sup>22</sup> All elementary, middle, and secondary coverage areas, including world languages and exceptional student education require a bachelor's degree. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).

<sup>23</sup> The fee for a first time registration or retake of the full battery of subject area subtests is \$150. Retake fees are prorated based on the number of subtests required. Rule 6A-4.0021(4), F.A.C. For a subject without a subject area examination, the SBE may identify a passing score on a standardized examination or competency may be verified by a school district. Section 1012.56(5), F.S.

<sup>24</sup> Rule 6A-4.002(4)(a), F.A.C.

<sup>25</sup> Subject areas that require a master's degree include school counseling, psychologist, and social work; and administrative coverages. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).

<sup>26</sup> Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconduct.stml> (last visited Jan 14, 2020). Section 1012.795, F.S., specifies the offenses for which the EPC may suspend or revoke an educator certificate.

The SBE has adopted standards for educator conduct, referred to as the Principles of Professional Conduct for the Education Profession.<sup>27</sup> The Education Practices Commission (EPC or commission) interprets and applies the principles.<sup>28</sup> If the Commissioner of Education determines the educator's conduct warrants disciplinary action, the EPC determines what penalty to issue against an educator's certificate. Penalties that can be issued against an educator's certificate include a letter of reprimand, fines, probation, suspension or revocation.<sup>29</sup>

The EPC is composed of 25 members specified in law, who are appointed by the SBE based on nominations by the commissioner.<sup>30</sup> From among the commission members, the EPC elects a chair who presides over meetings and performs other duties as directed by the EPC or rules.<sup>31</sup> The EPC, by a vote of three-fourths of the membership, employs an executive director, who may be dismissed by a majority vote of the membership.<sup>32</sup>

The EPC is assigned to the DOE only for administrative purposes, and is not subject to control, supervision, or direction by the DOE.<sup>33</sup>

The EPC is financed from educator certification fees; fines, penalties, and costs collected pursuant to law;<sup>34</sup> and general revenue.<sup>35</sup> The EPC may make expenditures as necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding.<sup>36</sup>

### III. Effect of Proposed Changes:

SB 1220 modifies provisions relating to initial teacher preparation (ITP) programs, demonstration of subject area mastery for educator certification, and the Education Practices Commission (EPC). Specifically, the bill:

- Modifies admissions and uniform core curricula requirements for ITP programs by:
  - Changing from an admission requirement to a program requirement the provisions related to student grade point average and mastery of general knowledge.
  - Modifying ITP program core curricula relating to reading instructional strategies and adding a new requirement for mental health strategies and support.
- Authorizes an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions.
- Modifies requirements relating to the EPC to specify that:

<sup>27</sup> Section 1012.795(1)(j), F.S.; Rule 6A-10.081, F.A.C.

<sup>28</sup> Section 1012.79(7)(a), F.S.

<sup>29</sup> Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconducta.stml> (last visited Jan. 14, 2020), and s. 1012.79(7)(b), F.S.

<sup>30</sup> Section 1012.79(1), F.S.

<sup>31</sup> Section 1012.79(4), F.S.

<sup>32</sup> Section 1012.79(5), F.S.

<sup>33</sup> Section 1012.79(6)(a), F.S.

<sup>34</sup> Section 1012.796(9), F.S.

<sup>35</sup> Section 1012.79(10), F.S.

<sup>36</sup> Section 1012.79(9), F.S.

- The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
- The administrative assignment of the EPC to the Department of Education includes fiscal accountability.
- The EPC may expend funds for legal services, and removes the authority to expend funds for a general counsel or access to counsel.

The bill modifies s. 1004.04, F.S., relating to prerequisites for admission to, and uniform core curricula of, each state-approved teacher preparation program. The bill:

- Changes the admission requirements to an ITP program to specify that the grade point average and General Knowledge (GK) Test requirements are not required for admission, but instead are required to be completed during the student's time in the program. Accordingly, the bill removes provisions relating to waivers of admission requirements that are not necessary under the bill modifications.
- Modifies the requirement for State Board of Education (SBE) rules establishing uniform core curricula to require:
  - Reading instructional strategies be evidence based, and removes the requirement that such strategies be scientifically researched.
  - A new provision for mental health strategies and support.

Such changes may enable students who have not meet the GPA or general knowledge requirement to be admitted into a program and meet the requirement while in the program. Completion of the GK Test has been a barrier to student admittance to ITP programs, and so such changes may enable more students to be admitted into ITP programs and increase the supply of available teachers.

In addition, changes to the uniform core curricula are consistent with the current designation of reading strategies,<sup>37</sup> and with the recent emphasis on school-based mental health supports for students and families.<sup>38</sup>

The bill modifies s. 1012.56, F.S., to add another acceptable method of demonstrating mastery of subject area knowledge. The bill authorizes that a person seeking an educator certificate in a subject requiring only a baccalaureate degree may demonstrate subject area knowledge with a baccalaureate degree with a major in the subject area, conferred within the last 10 years from an accredited or approved institution as defined in SBE rule.<sup>39</sup> The provision of an additional option to demonstrate mastery of subject area competence may allow more candidates for educator certification to meet the requirements. In 2018, there were 63,774 first time and retake subject

<sup>37</sup> See s. 1001.215, F.S., and Rule 6A-6.053, F.A.C.

<sup>38</sup> Examples of recent activity related to school-based mental health services include: (1) the requirement in s. 1012.584, F.A.C., for the DOE to, beginning in the 2018-2019 school years, establish an evidence-based youth mental health awareness and assistance training program for school personnel; (2) the establishment of a Mental Health Allocation, with specified application requirements, that has allocated over \$144 million to school districts in Specific Appropriation, s. 36, ch. 2018-3, L.O.F., and Specific Appropriation 93, ch. 2019-115, L.O.F.; (3) the 2019 requirement in SBE Rule 6A-1.094121, F.A.C., that all school districts annually provide a minimum of five hours of specified instruction regarding youth mental health awareness and assistance; and (4) specifying the purpose for and adding duties to the multiagency network for students with emotional and behavioral disabilities in s. 23, ch. 2018-3, L.O.F.

<sup>39</sup> Rule 6A-4.003, F.A.C., *supra* note 5.

area exams attempted,<sup>40</sup> but it is not clear how many such attempts were by individuals who could otherwise qualify with a specified bachelor's degree under the additional option authorized in the bill.

The bill also modifies s. 1012.586, F.S., to provide a conforming cross-reference relating to completion of a subject area examination for addition of subject coverage or an endorsement to an educator certificate.

The bill modifies s. 1012.79, F.S., to modify the selection and duties of the executive director of the EPC and to modify EPC accountability and allowable expenditures, which may increase collaboration between the DOE and the EPC, and may strengthen financial accountability of the EPC. Specifically, the bill:

- Removes from the EPC the authority to select and remove an executive director, and authorizes the Commissioner of Education, with the advice and consent of the EPC chair, to appoint and remove an executive director.
- Specifies that the executive director has administrative duties, as specified by the commissioner, and may not impact or influence decisions of the EPC.
- Specifies that the EPC is assigned to the DOE for not only administrative purposes, but also for fiscal accountability purposes.
- Removes the authorization for the EPC to make expenditures for a general counsel or access to counsel, and authorizes expenditures for legal services.

The bill takes effect on July 1, 2020.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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<sup>40</sup> Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 40.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Persons seeking an educator certificate who demonstrate subject area knowledge by a specified baccalaureate degree from an approved institution may not have to take a subject area examination, and so would not have to pay the fee for such exam.

**C. Government Sector Impact:**

If individuals demonstrate mastery of subject area competence through a specified bachelor's degree as authorized in the bill rather than by a subject area examination, the Department of Education may experience decreased revenue from the loss of subject area examination fees. Such fees are deposited into the Educational Certification and Services Trust Fund and are used for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates. The number of individuals who may demonstrate subject area competence under this additional option is not known.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.04, 1012.56, 1012.79, and 1012.586.

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

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

None.

**B. Amendments:**

None.