

## CHAPTER 97-4

### Committee Substitute for Senate Bill No. 462

An act relating to certification and preparation of educators; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competence; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competence within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 231.29, F.S., relating to assessment procedures and criteria; requiring the inclusion of a new assessment criterion based on ability to verbally communicate; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; providing technical changes; amending ss. 231.28, 231.291, 236.081, and 240.5291, F.S., relating to the Education Practices Commission, personnel files, funds for school operation, and teaching profession enhancement grants, to conform references; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 231.17, Florida Statutes, 1996 Supplement, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(1) APPLICATION REQUIREMENTS.—

(a) Each person seeking certification pursuant to this chapter shall submit a completed application to the Department of Education and remit the fee required pursuant to s. 231.30.

(b) Pursuant to ~~the provisions in s. 120.60,~~ the Department of Education shall issue within 90 calendar days ~~after~~ of the stamped receipted date of the completed application an official statement of eligibility for certification or a certificate covering the classification, level, and area for which the applicant is deemed qualified.

(2) STATEMENT OF ELIGIBILITY.—

~~1. The statement of eligibility must shall be issued to advise the applicant of the qualifications that must be completed to qualify for the temporary or professional certificate sought. Each statement of eligibility is shall be valid for 2 years after its from the date of issuance and may be reissued for one additional 2-year period if application is made while the initial statement of eligibility is valid or within 1 year after the initial statement expires.~~

(3) TEMPORARY CERTIFICATE.—

~~(a)2.~~ The department shall issue a temporary certificate to any applicant who submits satisfactory evidence of possessing the qualifications for such a certificate as prescribed by this chapter and by rules of the state board. Each temporary certificate is valid for 2 years after the date of its issuance and is nonrenewable, except as otherwise provided in subsection (6).

(b) Issuance of the temporary certificate shall occur when the department:

~~a. Receives notification from a district superintendent or the governing authority of a developmental research school, state-supported school, or nonpublic school that the applicant has been issued a valid statement of eligibility by the Department of Education and is employed by the school district or developmental research school, state-supported school, or nonpublic school with an approved professional orientation program;~~

~~1.b.~~ Receives the applicant's fingerprint reports from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 231.02, s. 231.1712; and

~~2.c.~~ Determines that the applicant is qualified for the temporary certificate.

~~(c) To qualify be deemed qualified for a temporary professional certificate, the applicant must for certification shall:~~

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.;

2. Be at least 18 years of age.;

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning. The bachelor's or higher degree ~~may~~ shall not be required in areas approved in rule by the State Board of Education as nondegreed areas. Each applicant seeking initial certification must ~~shall~~

have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. ~~At least 30 of the total number of semester hours required for the initial secondary certificate area on a professional certificate shall be earned in courses in the field of specialization no more than nine of which shall be earned in a college of education unless the applicant's courses in the specialization field were offered only in the college of education.~~ 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.;

4. Meet such academic and professional requirements based on credentials certified by standard institutions of higher learning, including any institutions of higher learning in this state ~~which are accredited by an accrediting association that which is a member of the Commission on Recognition of Postsecondary Accreditation, as may be prescribed by the state board.~~;

5. Be competent and capable of performing the duties, functions, and responsibilities of a teacher.;

6. Be of good moral character.;

~~7.—Demonstrate mastery of the minimum competencies required by subsection (2); and~~

~~8.—Complete the professional orientation program required by subsection (3).~~

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(4) PROFESSIONAL CERTIFICATE.—The department shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements for a temporary certificate and documents mastery of the minimum competencies required by subsection (5). Mastery of the minimum competencies must be documented on a comprehensive written examination or through other criteria as specified by rules of the state board. Mastery of minimum competencies required under subsection (5) must be demonstrated in the following areas:

(a) General knowledge, including the ability to read, write, and compute.

(b) Professional skills and knowledge of the standards of professional practice.

(c) The subject matter in each area for which certification is sought.

(5)(2) MINIMUM COMPETENCIES FOR PROFESSIONAL CERTIFICATE.—

(a) The state board must specify, by rule, the minimum essential competencies that educators must possess and demonstrate in order to qualify to

teach students the standards of student performance adopted by the state board. ~~The minimum competencies must include Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including,~~ but are not limited to, the ability to:

1. Write in a logical and understandable style with appropriate grammar and sentence structure.;
2. Read, comprehend, and interpret professional and other written material.;
3. Comprehend and work with fundamental mathematical concepts.;
4. Recognize signs of severe emotional distress in students and ~~to~~ apply techniques of crisis intervention with an emphasis on suicide prevention and positive emotional development.;
5. Recognize signs of alcohol and drug abuse in students and ~~to~~ apply counseling techniques with emphasis on intervention and prevention of future abuse.;
6. Recognize the physical and behavioral indicators of child abuse and neglect, ~~to~~ know rights and responsibilities regarding reporting, ~~to~~ know how to care for a child's needs after a report is made, and ~~to~~ know recognition, intervention, and prevention strategies pertaining to child abuse and neglect which ~~that~~ can be related to children in a classroom setting in a nonthreatening, positive manner.;
7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and ~~to~~ counsel these ~~the same~~ students concerning their needs in these areas.;
8. Recognize and be aware of the instructional needs of exceptional students.;
9. Comprehend patterns of normal ~~Recognize disorders of~~ development in students and employ appropriate intervention strategies for disorders of development.;
10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.;
11. Recognize and demonstrate awareness of the educational needs of students who have ~~having~~ limited proficiency in English and employ appropriate teaching strategies.

12. Use appropriate technology in teaching and learning processes.

13. Use assessment strategies to assist the continuous development of the learner.

14. Use teaching and learning strategies that include considering each student's culture, learning styles, special needs, and socioeconomic background.

15. Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills specified in the student performance standards approved by the state board.

~~(b) The state board shall adopt rules that specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. Any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures may take the written examination prior to graduation. The examination shall require a candidate to demonstrate the following:~~

~~1. Mastery of general knowledge, including the ability to read, write, and compute;~~

~~2. Mastery of professional skills and knowledge of the standards of professional practice; and~~

~~3. Mastery of the subject matter in each area for which certification is being sought.~~

~~(b) The state board shall designate the certification areas for which subject area tests shall be developed. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or, beginning January 1, 1996, the National Teachers Examination ~~must~~ shall be used by degreed personnel to demonstrate mastery of general knowledge as required in paragraph (4)(a) subparagraph 1. The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the former old Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.~~

~~(c) Each person seeking initial certification shall have earned credits in courses related to normal child development and the disorders of development.~~

(6) EXCEPTIONS FOR ISSUANCE OF CERTIFICATES.—

~~(a)(d) The department shall issue a temporary certificate to an applicant~~ A person who meets all requirements established by law and ~~or~~ rule for issuance of a professional certificate, other than passing the examination,

successfully completing the first year of the professional orientation program, or completing the professional education courses in which the applicant is deficient, shall be issued a nonrenewable, 2-year temporary certificate.

(b) The department shall issue ~~However, the State Board of Education shall adopt rules to allow for the issuance of:~~

~~1. one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant an individual 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.~~

(c) The state board shall adopt rules to allow the department to reissue temporary certificates as follows:

~~1.2. One additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant.~~

~~2.3. A 1-year extension of the temporary certificate for an applicant who was employed less than 99 days during the first year of teaching.~~

~~3.4. Two additional 2-year temporary certificates to an applicant who is completing the training and professional education course certification requirements for an English or language arts teacher of limited English proficient students with limited proficiency in English.~~

~~4.5. A 1-year extension of the temporary certificate to a foreign educated applicant who is completing professional certification requirements, or to a bilingual curriculum content teacher of limited English proficient students with limited proficiency in English.~~

5. One additional 2-year temporary certificate to an applicant who is completing college credits to satisfy the professional education requirements for certification.

~~The department shall reissue, pursuant to this paragraph, a temporary certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a state-supported school or nonpublic school with an approved professional orientation program.~~

(7) DEMONSTRATION OF PROFESSIONAL EDUCATION COMPETENCE.—

(a) Each school district may develop and maintain an alternative certification program by which members of the district's instructional staff may satisfy the professional education course requirements specified in rules of the state board for issuance of a professional certificate. The state board must adopt, by rule, standards and guidelines for the approval of alternative

certification programs. Each approved program must include methods for identifying each applicant's entry-level teaching competencies and must require each applicant to:

1. Have expertise in the subject and meet requirements for specialization in a subject area for which a professional certificate may be issued under this chapter and rules of the state board.

2. Complete training in only those competency areas in which deficiencies are identified.

3. Complete the program and demonstrate professional education competence within 2 years after initial employment as a member of the district's instructional staff.

(b) Each school district must develop and maintain a system by which members of the district's instructional staff may demonstrate the professional education competence required by this section for issuance of a professional certificate. Each district's system must be based on classroom application and instructional performance and must include a performance evaluation plan for documenting the demonstration of required professional education competence. Each individual employed as a member of the district's instructional staff on or after July 1, 1997, must demonstrate mastery of the required professional education competence within the first year of employment, unless the individual:

1. Has completed an approved teacher preparation program at a postsecondary institution within this state;

2. Has completed a teacher education training program and has had at least 2 years of successful full-time teaching experience in another state; or

3. Is participating in the district's alternate certification program.

(c) Each district school board may expend educational training funds provided under ss. 236.081 and 236.0811 to implement this subsection.

(d) The department must approve programs and systems developed to demonstrate professional education competence.

(8) EXAMINATIONS.—

(a)(e) The commissioner, with the approval of the state board, may contract assign to a university in the state system the responsibility for developing, printing, administering, scoring, and providing appropriate analysis of the written tests required.

(b)(f) The state board shall, by rule, specify the examination scores that are the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates. When the College Level Academic Skills Test is used to demonstrate general knowledge, such rules must shall provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute, must shall define generic subject area competencies, and must

shall establish uniform evaluation guidelines. The alternative method must shall:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental research school, or the governing authority of the employing state-supported school or nonpublic school ~~with an approved professional orientation program~~ that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest. ~~Such mastery shall be demonstrated through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area.~~ The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(c)(g) If an applicant takes an examination developed by this state and ~~Provision shall be made for a person who~~ does not achieve the score necessary for certification, the applicant may ~~to~~ review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(d)(h) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers ~~are~~ shall be exempt from the provisions of s. 119.07(1). ~~The board shall adopt such rules as may be necessary to accomplish this purpose.~~

~~(3) PROFESSIONAL ORIENTATION PROGRAM.—Each school district and developmental research school shall develop and maintain a plan for a professional orientation program for beginning teachers, teachers employed in the state for the first time, and teachers whose professional certificates are inactive. A state-supported school or nonpublic school may develop a plan for a professional orientation program and submit it to the commissioner for initial approval.~~

~~(a) The professional orientation program is a 3-year program for developing professional skills and competencies. The first year of the program shall be mandatory for beginning teachers and shall offer individualized mentoring and assistance. The goal of the first year shall be to provide an orientation to professional responsibilities and the training and support activities required to enable the beginning teacher to successfully demonstrate the competencies required by this section. Other professional competencies identified by the State Board of Education or local school board may be required. The program for the first year may include a reduced teaching load. The optional second and third years may offer continued development for successful beginning teachers or for any teacher with identified skill~~

development needs, may involve decreasing levels of assistance, and may include peer mentoring and professional orientation teams. The professional orientation program for experienced teachers shall be a 90-day program of orientation to state and district policies and practices.

(b) ~~No teacher who has less than 1 full year of successful teaching experience as defined in s. 228.041(16) shall be issued the professional educator's certificate until the individual has successfully completed the first year of the professional orientation program. The teacher employed in the state for the first time or whose professional certificate is inactive and who has at least 1 full year of successful teaching experience may, during the first 90 days of employment, demonstrate successful instructional performance on an instructional performance evaluation system that has been approved for use in the professional orientation program in the employing district of the teacher. This performance evaluation system shall measure demonstration of the competencies described in subsection (2). The experienced teacher who fails to document successful demonstration of the essential competencies during the first 90 days of employment shall complete 1 year of the professional orientation program.~~

(c) ~~A teacher participating in the professional orientation program shall be a member of the bargaining unit with the same rights as any other first-year teacher and shall receive full pay according to the adopted salary schedule of the district. The requirement for participation in a professional orientation program may be met by a contract employee while teaching full-time or on an equivalent part-time basis in a school district or in a nonpublic school, state-supported school, or developmental research school with an approved professional orientation program.~~

(d) ~~The professional orientation program shall include, but is not limited to, the following conditions:~~

1. ~~Each school district and each developmental research school, state-supported school, or nonpublic school with an approved professional orientation program plan shall annually submit evaluation data on its professional orientation program to the Commissioner of Education. The commissioner shall develop criteria for continued approval after consultation with the Education Standards Commission.~~

2. ~~Professional orientation activities during the first year shall be based on classroom application of the competencies described in subsection (2), in appropriate instructional settings. Emphasis shall be given to application of those competencies which are directly related to effective performance of the instructional services for which the participant is seeking certification coverage. The orientation activities shall also develop school improvement skills.~~

3. ~~Successful completion of that portion of the professional orientation program required for a professional certificate means that the superintendent or chief administrator has verified to the Department of Education that the teacher has successfully completed the first year of the program.~~

4. A teacher who has successfully completed the professional orientation program shall have the same reemployment rights as any other teacher on probationary service.

~~(e) The state board shall adopt the rules necessary to provide for the professional orientation program. Such rules shall include opportunities for school districts to work with teacher preparation institutions to devise, and submit for approval, performance appraisal systems and other professional development mechanisms tailored to meet local situations. The rules shall provide for a procedure by which the applicant for a professional certificate may appeal the judgment of the superintendent or chief administrator regarding successful completion of the program. The appeals procedures shall involve the Education Practices Commission and shall not apply to continued employment or reemployment. The involvement of the Education Practices Commission in such appeals procedures shall be pursuant to rules of the State Board of Education.~~

~~(f) District school boards may expend educational training funds as provided for in ss. 236.081 and 236.0811 for professional orientation program activities.~~

(9)(4) NONCITIZENS.—

(a) The state board ~~may adopt~~ shall have authority to prescribe rules for issuing under which certificates may be issued to noncitizens who may be needed to teach and who are legally admitted to the United States through the United States Immigration and Naturalization Service. The filing of a written oath to uphold the principles of the Constitutions of the United States and of the State of Florida, required under subparagraph (3)(c)1., does referred to above shall not apply to individuals assigned to teach on an exchange basis.

(b) A ~~No~~ certificate may not shall be issued to a citizen of a nation controlled by forces that which are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the Immigration and Naturalization Service.

(10)(5) DENIAL OF CERTIFICATE.—

(a) The Department of Education may is authorized to deny an applicant a certificate if the department it possesses evidence satisfactory to it that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to revoke a teaching certificate.

(b) The decision of the Department of Education is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after ~~from~~ receipt of the notice of denial.

(11)(6) STATE BOARD RULES.—~~By January 1, 1991, The State Board of Education shall adopt promulgate rules as necessary to implement this section for initial certification specifically covering ages birth through 4 years and grade spans prekindergarten or age 3 through grade 3, grades 5 through 9, and others as designated by the State Board of Education.~~

~~(12)(7)~~ **PRIOR APPLICATION.**—Those Persons who apply for initial professional or temporary certification are shall be governed by the law and rules in effect at the time of application for issuance of the initial certificate.

~~(13)(8)~~ **PERSONNEL RECORDS.**—The Department of Education shall maintain a complete statement of the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued. The applicant or the superintendent shall furnish the information using a format or forms provided by the department.

Section 2. Section 231.24, Florida Statutes, is amended to read:

231.24 Process for renewal of professional certificates.—

(1)(a) School districts in this state shall renew ~~be responsible for renewal~~ of state-issued professional certificates as follows:

1. Each school district shall renew state-issued professional certificates for individuals who hold a professional certificate by this state and are employed ~~by in~~ that district. ~~Renewals shall be granted~~ pursuant to criteria established in subsections (2), (3), and (4) and requirements specified in rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each school board shall transmit monthly to the department \$20 for each renewed certificate to cover the costs for maintenance and operation of the statewide certification database and for costs incurred in printing and mailing such renewed certificates. As defined in current rules of the State Board of Education, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network as established in s. 231.263. The department shall deposit all funds ~~shall be deposited by the department~~ into the Educational Certification Trust Fund for use as ~~and used for purposes~~ specified in s. 231.30.

(b) The department shall renew ~~is responsible for renewal~~ of state-issued professional certificates for individuals who are not employed by a school board of this state. ~~Renewals shall be granted~~ pursuant to criteria established in subsections (2), (3), and (4) and requirements specified in rules of the State Board of Education.

(2) All professional certificates, except a nonrenewable professional certificate, ~~issued to school personnel~~ shall be renewable for successive periods not to exceed 5 years after ~~from~~ the date of submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate. However, if the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee ~~must shall~~ be submitted ~~before~~ prior to July 1 of the year following expiration of the certificate in order to renew the professional certificate. The state board shall adopt rules to allow a 1-year extension of the validity

period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by ~~of~~ the superintendent of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that employs the applicant has an approved professional orientation program.

(3) For the renewal of a professional certificate, the following requirements must shall be met:

(a)1- The applicant must shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 240.529(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. ~~Until June 30, 2000,~~ Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching ~~limited English proficient~~ having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

(b)2- In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

(c)3- ~~If In the event~~ an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas, but must earn. ~~However, at no time shall~~ fewer than 6 college course credit hours or the equivalent ~~be earned~~ in any one validity period.

(b) ~~A candidate who holds an active certificate and has not been employed in an instructional position by a public school district or a nonpublic school requiring state certification having a Department of Education approved professional orientation program plan at any time during the validity period of such current certificate may renew the certificate by receiving a~~

~~passing score on the subject area examination or completing the college course credits as provided in paragraph (a); however, if the candidate becomes employed in an instructional position by a public school district or a nonpublic school requiring state certification having a Department of Education approved professional orientation program plan, he or she shall undergo a performance evaluation by a performance measurement system approved by the department for such purpose during the first 90 days of employment. A candidate who fails to demonstrate satisfactory performance shall continue in the program pursuant to s. 231.17. For the purposes of this paragraph, "instructional position" includes those positions held by certificateholders who are district-level personnel, district-level personnel on special assignment, nonpublic school area administrators and supervisors, school principals, assistant school principals, school board members, instructional personnel on special assignment, and instructional personnel on leave through collective bargaining regarding contracts or school board rule, and other positions held by certificateholders as specified by necessary State Board of Education rules.~~

(4) When any person who holds a valid temporary certificate or professional Florida teacher's certificate is called into or volunteers for actual wartime service or required peacetime military service training, the certificate shall be renewed for a period of time equal to the time spent in military service if the, provided such person makes proper application and presents substantiating evidence to the department or the employing school district regarding such military service.

(5) The state board shall adopt rules to allow the reinstatement of expired professional certificates. The department may reinstate an expired professional certificate within 3 years after the date of expiration 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 subsection (3)(a).

(c) 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.

Section 3. Subsection (3) of section 231.29, Florida Statutes, is amended to read:

231.29 Assessment procedures and criteria.—

(3) A complete statement of the assessment criteria shall include, but ~~is~~ shall not be limited to, observable indicators that relate to the following:

- (a) Ability to use appropriate classroom management techniques, including ability to maintain appropriate discipline.
- (b) Knowledge of subject matter. 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 instruction.
- (d) Ability to evaluate instructional needs.
- (e) Ability to communicate verbally.
- ~~(f)~~(e) Other professional competencies, responsibilities, and requirements as determined by the local district.

Section 4. Subsections (2), (4), (5), and (6), and paragraph (b) of subsection (9) of section 240.529, Florida Statutes, are amended to read:

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

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system shall be developed by the Department of Education in collaboration with institutions of higher education to assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system shall assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission shall have primary responsibility for recommending these standards to the State Board of Education for adoption. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies and educator-accomplished practices, effective classroom practices, and the outcomes of the state system of school improvement and education accountability, and “Blueprint 2000,” as well as performance measures. Departments and colleges of education shall make every attempt to secure priority funding for ensure that teacher preparation programs and courses emphasizing the state system of school improvement and education-accountability “Blueprint 2000” concepts and standards receive priority funding.

(4) CONTINUED PROGRAM APPROVAL.—~~Beginning July 1, 1995, and Notwithstanding the provisions of subsection (3),~~ 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 which that document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education within the state ~~is shall~~ be contingent upon the passing of the state written examination required by

~~s. 231.17 s. 231.17(2)~~ by at least 80 percent of the graduates of the program who take the examination ~~and the successful completion of an approved professional orientation program by at least 90 percent of the graduates who enter such programs.~~ On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria must ~~shall~~ emphasize outcome measures and may include, but need not be limited to, program graduates' satisfaction with training and the unit's responsiveness to local school districts. Additional criteria for continued program approval for non-public institutions shall be developed in the same manner as for public institutions; however, such criteria must ~~shall~~ 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 institutions of higher education, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. ~~In addition to graduates of approved programs, data shall be collected on alternate preparation program completers and a representative sample of recent out-of-state graduates teaching in Florida.~~ Beginning January 1, 1995, and By January 1 of each succeeding year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each Florida postsecondary institution that has having state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the general public. This report must ~~shall~~ analyze the data and make recommendations for improving ~~improvement of~~ teacher preparation programs in the state.

(c) Beginning July 1, 1997, continued approval for a teacher preparation program ~~is shall~~ be contingent upon the results of annual reviews of the program conducted by the institution of higher education, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must ~~shall~~ incorporate the criteria established in paragraphs (a) and (b) 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.

(5) PRESERVICE FIELD EXPERIENCE.—~~Beginning July 1, 1995, All postsecondary instructors, school district personnel and instructional personnel teachers, and school sites preparing instructional personnel teachers~~

through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 231.17 and 231.24; at least 3 years of successful teaching experience in prekindergarten through grade 12; or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.

(b) All school district personnel and instructional personnel ~~teachers~~ who supervise or direct teacher preparation students during field experience courses or internships ~~must shall~~ have evidence of “clinical educator” training. The Education Standards Commission shall recommend, and the state board shall approve, the training requirements.

(c) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. These sites ~~shall~~ 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 shall~~ demonstrate commitment to the education of public school students and to the preparation of future teachers. A nonpublic school association, in order to be approved, ~~must shall~~ have a state-approved master inservice program plan in accordance with s. 236.0811 ~~and a state-approved professional orientation program plan in accordance with s. 231.17.~~

(6) STANDARDS OF EXCELLENCE.—The Education Standards Commission shall recommend, and the State Board of Education shall approve, standards of excellence for teacher preparation. These standards ~~must shall~~ exceed the requirements for program approval pursuant to subsection (3) and ~~must shall~~ incorporate state and national recommendations for exemplary teacher preparation programs. ~~Beginning July 1, 1995, Approved~~ teacher preparation programs ~~that which~~ meet these standards of excellence shall receive public recognition as programs of excellence and may be eligible to receive teaching profession enhancement grants pursuant to s. 240.5291.

(9) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—Universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs ~~that which~~ are jointly submitted by community colleges and universities.

(b) Universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as

a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged, ~~under s. 231.172,~~ to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

Section 5. Subsection (5) of section 231.28, Florida Statutes, is amended to read:

231.28 Education Practices Commission; authority to discipline.—

(5) Each district superintendent and the governing authority of each developmental research school, state-supported school, or nonpublic school ~~with an approved professional orientation program~~ shall report to the department the name of any person certified pursuant to this chapter or employed and qualified pursuant to s. 231.1725:

(a) Who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;

(b) Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension under subsection (1); or

(c) Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Section 6. Paragraph (a) of subsection (3) of section 231.291, Florida Statutes, 1996 Supplements, is amended to read:

231.291 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(3)(a) Public school system employee personnel files are subject to the provisions of s. 119.07(1), except as follows:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is

no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made.

2. An employee evaluation prepared pursuant to s. 231.17(3), s. 231.29, or s. 231.36 or rules adopted by the State Board of Education or local school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); provided, however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

Section 7. Subsection (3) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing \$6 by the 1990-1991 base student allocation. ~~If a district has an approved teacher education center, At least~~

two-thirds of the funds so determined shall be expended as provided in ~~s.231.600 ss. 231.600-231.609~~, and such funds ~~may shall be used for implementation of the demonstration of professional education competence program as provided in to provide the professional orientation program, pursuant to~~ s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.

2. School board employees while such personnel are conducting an approved inservice training program.

3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.

2. Data processing for approved inservice training activities.

3. Telephone for the approved inservice training program.

4. Office supplies for the personnel administering the approved inservice training program.

5. Duplicating and printing for approved inservice training activities.

6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.

7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.

8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee

may be awarded college credit for successful participation in exempted in-service programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

Section 8. Paragraph (c) of subsection (2) of section 240.5291, Florida Statutes, is amended to read:

240.5291 Teaching profession enhancement grants.—

(2) To be eligible for funding, proposals shall include innovative programs designed to achieve one or more of the following objectives:

(c) Improvement of the preservice clinical component ~~and the professional orientation program~~. Priority for funding shall be given to proposals addressing the training, credentials, and compensation of classroom teachers and university faculty involved in the supervision of interns and beginning teachers and alternate funding mechanisms to support field experiences, including joint school district and teacher preparation institution appointments and faculty exchange programs.

Section 9. Section 231.172, Florida Statutes, is repealed.

Section 10. This act shall take effect on July 1, 1997.

Became a law without the Governor's approval April 9, 1997.

Filed in Office Secretary of State April 8, 1997.