

Committee Substitute for Committee Substitute for
House Bill Nos. 63 and
77 and 891, 995, 2009 and 2135

An act relating to teacher quality; providing a short title; amending s. 20.15, F.S.; renaming the Division of Human Resource Development within the Department of Education as the Division of Professional Educators; amending s. 230.23, F.S., relating to powers and duties of the school board; clarifying procedures for filling positions within the district; requiring a district school board to consider certain prior professional experience when determining the salaries of instructional personnel; revising the date by which the salary schedule adopted by the district school board must include performance-based pay; clarifying requirements for performance-based pay policies; providing requirements relating to parental involvement; requiring each school district with a school designated as performance grade category "F" to permit transfer of teachers with certain qualifications and providing supplements for those teachers; requiring the Commissioner of Education to adopt rules to define "teaching mastery"; correcting an obsolete cross reference; conforming terminology; amending s. 230.303, F.S.; replacing references to the Florida Council on Educational Management with the Department of Education; amending s. 230.33, F.S., relating to duties and responsibilities of superintendents of schools; requiring that nominations of persons to fill instructional positions within the district consider recommendations received from principals of the respective schools; conforming terminology; amending s. 231.001, F.S., relating to school district personnel policies; revising language; amending s. 231.002, F.S.; revising legislative findings regarding the qualities of effective educators; amending s. 231.02, F.S.; revising language; conforming terminology; amending s. 231.045, F.S., relating to periodic criminal history record checks; revising language; amending s. 231.085, F.S., relating to duties of principals; assigning responsibility for making recommendations to the superintendent of schools regarding the employment of instructional personnel; requiring principals to assist teachers with the diagnostic use of certain student assessment data; conforming terminology; repealing s. 231.0861, F.S., relating to the selection of principals and assistant principals; repealing s. 231.087, F.S., relating to the Management Training Act, the Florida Council on Educational Management, the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study; amending s. 231.09, F.S., relating to duties of instructional personnel; conforming terminology; revising language; amending s. 231.095, F.S.; clarifying provisions relating to assignment of teachers out-of-field; providing alternative means for an assignment to be considered in-field; amending s. 231.096, F.S., relating to teachers teaching out-of-field; conforming terminology; revising language; amending s. 231.141, F.S., relating to education paraprofessionals; conforming terminology; revising

language; amending s. 231.143, F.S., relating to education para-professional career development; deleting legislative findings and intent; conforming terminology; amending s. 231.15, F.S., relating to positions for which certificates are required; deleting requirements for rules adopted by the State Board of Education relating to teacher certification; conforming terminology; revising requirements for exemption of retired military from certain requirements for teacher certification; amending s. 231.17, F.S., relating to teacher certification requirements; providing for application; establishing eligibility criteria; providing requirements for mastery of general knowledge; providing requirements for mastery of subject area knowledge; providing requirements for mastery of professional preparation and education competence; providing types and terms of certification; establishing a professional preparation and education competency program; providing requirements for examinations; providing requirements for the certification of noncitizens; providing for the denial of a certificate; authorizing the adoption of rules; specifying that persons who apply for certification are to be governed by the law and rules in effect at the time of application; requiring the department to keep certain records for persons to whom a certificate is issued; specifying the authority of the commissioner to make certain decisions relating to certification; requiring the department to conduct a study; amending s. 231.1715, F.S., relating to confidentiality of examinations; deleting an obsolete cross reference; amending s. 231.1725, F.S.; including career specialists in provisions relating to the employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and students performing clinical field experience; conforming terminology; repealing s. 231.173, F.S., relating to successful experienced out-of-state teachers and administrators; amending s. 231.24, F.S., relating to the process for the renewal of professional certificates; authorizing the State Board of Education to establish the amount of the fee for renewal of a certificate; clarifying provisions relating to extending the validity period of a professional certificate based on national certification; conforming terminology; revising a cross reference; deleting provisions relating to renewal of a specialization area based on completion of a department-approved summer work program; amending s. 231.261, F.S., relating to the Education Practices Commission; revising language; revising the membership of the commission; revising the composition of panels appointed to review and issue final orders on cases before the commission; deleting a limitation on the number of such panels; specifying that a majority of a quorum of a panel has final authority in certain cases; conforming terminology; amending s. 231.262, F.S., relating to complaints against teachers; revising language; correcting a cross reference; amending s. 231.263, F.S., relating to the recovery network program for educators; revising language; providing requirements for the participation of certain persons; renumbering and amending s. 231.28, F.S., relating to the Education Practices Commission; revising language; conforming terminology; requiring the revocation of an individual's certificate for a minimum of 1 year under certain

circumstances; amending s. 231.29, F.S., relating to instructional personnel assessment procedures; conforming terminology; correcting a cross reference; amending s. 231.2905, F.S., relating to the Florida School Recognition Program; clarifying provisions relating to financial awards; amending s. 231.30, F.S., relating to certification fees; revising a fee limitation; requiring each examination fee to sufficiently cover the actual cost of developing and administering the examination; amending s. 231.3505, F.S., relating to the employment of directors of career education; conforming terminology; revising language; amending s. 231.36, F.S., relating to contracts with instructional staff, supervisors, and principals; conforming terminology; amending s. 231.3605, F.S., relating to educational support employees; conforming terminology; reenacting s. 231.361, F.S., relating to the status of vocational teachers; amending s. 231.39, F.S., relating to provisions for leaves of absence; conforming terminology; revising language; amending s. 231.40, F.S., relating to sick leave; conforming terminology; revising language; amending s. 231.41, F.S., relating to leave for illness-in-line-of-duty; conforming terminology; revising language; amending s. 231.424, F.S., relating to sabbatical leave; conforming terminology; amending s. 231.434, F.S., relating to annual leave; revising language; amending s. 231.44, F.S., relating to absence without leave; conforming terminology; amending s. 231.45, F.S., relating to records of absences; conforming terminology; amending s. 231.47, F.S., relating to substitute teachers; conforming terminology; amending s. 231.471, F.S., relating to part-time teachers; revising language; conforming terminology; amending s. 231.481, F.S., relating to terminal pay for accrued vacation leave; conforming terminology; amending s. 231.495, F.S., relating to retirement annuities; revising language; amending s. 231.545, F.S., relating to the Education Standards Commission; revising language; conforming terminology; amending s. 231.546, F.S., relating to the Education Standards Commission; revising language; amending s. 231.600, F.S., relating to the School Community Professional Development Act; revising who is included in a school community for purposes of the act; expanding activities to include continuous support for all education professionals; clarifying responsibilities of the Department of Education, school districts, schools, and public colleges and universities; requiring revisions to district professional development systems to be approved by the department; providing additional performance indicators for identification of school and student needs; providing requirements for inservice activities for instructional personnel; requiring district professional development systems to include a master plan for inservice activities which must be updated and submitted to the commissioner annually; requiring each school's principal to establish and maintain an individual professional development plan for each instructional employee; providing requirements for individual professional development plans; requiring the Department of Education to provide a system for the recruitment, preparation, and professional development of school administrative personnel; providing requirements for the system; requiring the Commissioner of Education to appoint a

task force to provide certain recommendations; providing for membership of the task force; clarifying funding requirements; authorizing the provision of inservice activities to certain instructional personnel on a fee basis; authorizing the development of professional development systems by certain organizations of nonpublic schools; providing for determination of best practices; clarifying provisions relating to required changes in profession development based on lack of student progress; providing a cross reference; revising language; conforming terminology; amending s. 231.6135, F.S., relating to the statewide system of inservice professional development; clarifying who will be provided inservice training; conforming terminology; providing gender neutral terminology; repealing s. 231.614, F.S., relating to an inservice master plan for vocational educators and a task force; amending s. 231.62, F.S., relating to identification of critical teacher shortage areas; providing a cross reference; conforming terminology; amending s. 231.621, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program; revising language; providing a cross reference; creating s. 231.6215, F.S.; establishing a student fellowship program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; limiting implementation to the amount specifically funded in the General Appropriations Act; amending s. 231.625, F.S., relating to teacher recruitment and retention; revising language; requiring the department to provide information relating to certification procedures; revising a reference to the Office of Teacher Recruitment and Retention Services; amending s. 231.6255, F.S., relating to the Christa McAuliffe Ambassador for Education Program; revising language; revising references to the Office of Teacher Recruitment and Retention Services; amending s. 231.63, F.S., relating to the Florida Educator Hall of Fame; revising language; deleting obsolete language; repealing s. 231.65, F.S., relating to the Institute for Instructional Research and Practice and Student Educational Evaluation and Performance; amending s. 231.67, F.S., relating to the Florida Teachers Lead Program Stipend; providing for funding of the program; specifying authorized uses of the funds; establishing procedures for determining the amount of each stipend; exempting purchases made with stipend funds from state or local competitive bidding requirements; requiring funds to be disbursed directly to each teacher; requiring each teacher to sign a statement agreeing to certain terms; providing requirements for unused funds; defining "classroom teacher" for purposes of the program; creating s. 231.700, F.S.; creating the Florida Mentor Teacher School Pilot Program; providing legislative findings and intent; providing goals of the program; establishing five teacher career development positions and minimum requirements; authorizing the adoption of rules; limiting implementation to the extent funded by the General Appropriations Act; amending s. 236.081, F.S., relating to funds for the operation of schools; providing bonuses for teachers who provide advanced placement instruction; correcting a cross reference; amending s.

236.08106, F.S., relating to the Excellent Teaching Program; providing that the Florida School for the Deaf and the Blind shall be considered a school district for the purposes of said section; deleting a limitation on the amount of a fee subsidy; requiring certain participants to provide mentoring and related services to teachers throughout the state; repealing s. 236.0811, F.S., relating to educational training; amending s. 240.529, F.S., relating to public accountability and state approval for teacher preparation programs; deleting provisions relating to a teacher preparation program committee and a report; requiring education accountability concepts and standards emphasized by the departments and colleges of education to include the Sunshine State Standards; deleting an alternative to department approval of a teacher preparation program and deleting definitions, to conform; providing requirements for continued program approval based on measurements of employer satisfaction; revising language; specifying information to be provided to the state and the general public regarding teacher preparation programs; providing cross references; directing the State Board of Education to adopt certain rules; amending s. 240.4063, F.S.; defining the term “publicly funded schools”; providing an effective date.

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

Section 1. Short title.—This act shall be known and may be cited as the “Educators Developing Unequaled Competence Act: Teaching Excellence 2000” or “EDUCATE 2000.”

Section 2. Paragraph (e) of subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(e) Division of Professional Educators ~~Human Resource Development~~.

Section 3. Paragraphs (a) and (c) of subsection (5), subsection (15) and paragraph (c) of subsection (16) of section 230.23, Florida Statutes, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—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 chapter 231:

(a) Positions, qualifications, and appointments.—Act upon written recommendations submitted by the superintendent of schools for positions to

be filled and for minimum qualifications for personnel for the various positions and act upon written nominations of persons to fill such positions. The superintendent of schools' recommendations for filling institutional positions at the school level must consider nominations received from school principals of the respective schools. The district school board may reject for good cause any employee nominated. If the third nomination by the superintendent of schools for any position is rejected for good cause, if the superintendent of schools fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the superintendent of schools fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

(c) Compensation and salary schedules.—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. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29, and 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. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community. By June 30, 2002, or beginning with the full implementation of an annual assessment of learning gains, whichever occurs later, ~~the salary schedule adopted by the district school board budget must include a reserve to fully fund an additional 5 percent supplement for base at least 5 percent of the salary of school administrators and instructional personnel on annual performance measured under s. 231.29.~~ The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel employees who demonstrate outstanding performance, as measured under s. 231.29, to earn a 5 percent supplement in addition to ~~of~~ their individual, negotiated salary. The supplements will be funded from the reserve funds adopted in the salary schedule. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply by the required date June 30, 2002, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

(15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

(a) Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(b) District school boards shall encourage teachers and administrators to keep parents and guardians informed of student progress, student programs, and availability of resources for academic assistance.

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not limited to, the following:

(c) Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention.

3.a. Each district school board shall develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 228.041(9)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

b. For initial implementation in 2000-2001 and until full implementation of an annual assessment of learning gains, a classroom teacher who is selected by the school principal based on his or her performance appraisal and student achievement data to teach at a school designated as performance grade category "D" or "F" or at an alternative that serves disruptive or violent youths shall receive a supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school designated as performance grade category "D" or "F" or at an alternative school that serves disruptive or violent youths.

c. Beginning with the full implementation of an annual assessment of learning gains, a classroom teacher whose effectiveness has been proven based upon positive learning gains of his or her students as measured by annual FCAT assessments pursuant to s. 229.57, is eligible for an annual supplement of at least \$1,000, not to exceed \$3,500, as provided for annually in the General Appropriations Act, each year he or she teaches at a school

designated as performance grade category "D" or "F" or at an alternative school that serves disruptive or violent youths.

d. In the absence of an FCAT assessment, measurement of learning gains of students shall be as provided in s. 229.57(12). The supplement received under this paragraph shall be in addition to any supplement or bonus received as a result of other local or state pay incentives based on performance.

e. The Commissioner of Education shall adopt rules to determine the measures that define "teaching mastery" for purposes of this subparagraph.

4. District school boards are encouraged to prioritize the expenditures of funds received from the supplemental academic instruction categorical fund under s. 236.08104 specific appropriation 110A of the General Appropriations Act of fiscal year 1999-2000 to improve student performance in schools that receive a performance grade category designation of "D" or "F."

Section 4. Subsection (6) of section 230.303, Florida Statutes, is amended to read:

230.303 Superintendent of schools.—

(6)(a) ~~The Department of Education Florida Council on Educational Management~~ shall provide a leadership development and performance compensation program for superintendents of schools, comparable to chief executive officer development programs for corporate executive officers, to include:

1. A content-knowledge-and-skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in a professional training setting under the direction of experienced, successful trainers.

2. A competency-acquisition phase consisting of on-the-job application of knowledge and skills for a period of not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency-acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the department Florida Council on Educational Management. Competency acquisition shall be demonstrated through assessment and feedback.

(b) Upon the successful completion of both phases and demonstrated successful performance, as determined by the department Florida Council on Educational Management, a superintendent of schools shall be issued a Chief Executive Officer Leadership Development Certificate and shall be given an annual performance salary incentive of not less than \$3,000 or more than \$7,500 based upon his or her performance evaluation.

(c) A superintendent of schools' superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his or her continued performance assessment and followup training prescribed by the department Florida Council on Educational Management.

Section 5. Section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent of schools.—The superintendent of schools shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he or she shall advise and counsel with the district school board. The superintendent of schools shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the superintendent of schools shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent of schools were not contrary to the action taken by the district school board in such matters.

(1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL BOARD.—Preside at the organization meeting of the district school board and transmit to the Department of Education, within 2 weeks following such meeting, a certified copy of the proceedings of organization, including the schedule of regular meetings, and the names and addresses of district school officials.

(2) REGULAR AND SPECIAL MEETINGS OF THE DISTRICT SCHOOL BOARD.—Attend all regular meetings of the district school board, call special meetings when emergencies arise, and advise, but not vote, on questions under consideration.

(3) RECORDS FOR THE DISTRICT SCHOOL BOARD.—Keep minutes of all official actions and proceedings of the district school board and keep such other records, including records of property held or disposed of by the district school board, as may be necessary to provide complete information regarding the district school system.

(4) SCHOOL PROPERTY.—Act for the district school board as custodian of school property.

(5) SCHOOL PROGRAM; PREPARE PLANS.—Supervise the assembling of data and sponsor studies and surveys essential to the development of a planned school program for the entire district and prepare and recommend such a program to the district school board as the basis for operating the district school system.

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS, CLASSES, AND SERVICES.—Recommend the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district.

(7) PERSONNEL.—Be responsible, as required herein, for directing the work of the personnel, subject to the requirements of chapter 231, and in addition the superintendent of schools shall have the following duties:

(a) Positions, qualifications, and nominations.—Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district; recommend minimum qualifications of personnel for these various positions; and nominate in writing persons to fill such positions. The nominations of persons to fill instructional positions at each of the district's schools must consider recommendations received from principals of the respective schools.

(b) Compensation and salary schedules.—Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The superintendent of schools must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 231.29. In developing the recommended salary schedule, the superintendent of schools shall include input from parents, teachers, and representatives of the business community.

(c) Contracts and terms of service.—Recommend to the district school board terms for contracting with employees and prepare such contracts as are approved.

(d) Transfer and promotions.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the district school board at its next regular meeting.

(e) Suspension and dismissal.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(f) Direct work of employees and supervise instruction.—Direct or arrange for the proper direction and improvement, under regulations of the district school board, of the work of all members of the instructional staff and other employees of the district school system, ~~and~~ supervise or arrange under rules of the district school board for the supervision of instruction in the district, and take such steps as are necessary to bring about continuous improvement.

(8) CHILD WELFARE.—Recommend plans to the district school board for the proper accounting for all children of school age, for the attendance and control of ~~students~~ pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children, as prescribed in chapter 232. When the superintendent of schools makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student ~~pupil~~ and the student's ~~pupil's~~ parent or guardian of the recommendation, setting forth the charges against the student ~~pupil~~ and advising the student ~~pupil~~ and his or her parent or guardian of the student's ~~pupil's~~ right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the

expulsion of a student pupil is pending, the superintendent of schools may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

(9) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Recommend such plans for improving, providing, distributing, accounting for, and caring for textbooks and other instructional aids as will result in general improvement of the district school system, as prescribed in chapter 233.

(10) TRANSPORTATION OF STUDENTS PUPILS.—Ascertain which students pupils should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these students pupils; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students pupils; recommend such rules and regulations as may be necessary and see that all rules and regulations relating to the transportation of students pupils approved by the district school board, as well as regulations of the state board, are properly carried into effect, as prescribed in chapter 234.

(11) SCHOOL PLANT.—Recommend plans, and execute such plans as are approved, regarding all phases of the school plant program, as prescribed in chapter 235.

(12) FINANCE.—Recommend measures to the district school board to assure adequate educational facilities throughout the district, in accordance with the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(a) Plan for operating all schools for minimum term.—Determine and recommend district funds necessary in addition to state funds to provide for at least a 180-day school term or the equivalent on an hourly basis as specified by rules which shall be adopted by the State Board of Education and recommend plans for ensuring the operation of all schools for the term authorized by the district school board.

(b) Annual budget.—Prepare the annual school budget to be submitted to the district school board for adoption according to law and submit this budget, when adopted by the district school board, to the Department of Education on or before the date required by rules of the state board.

(c) Tax levies.—Recommend to the district school board, on the basis of the needs shown by the budget, the amount of district school tax levy necessary to provide the district school funds needed for the maintenance of the public schools; recommend to the district school board the tax levy required on the basis of the needs shown in the budget for the district bond interest and sinking fund of each district; and recommend to the district school board to be included on the ballot at each district millage election the school district tax levies necessary to carry on the school program.

(d) School funds.—Keep an accurate account of all funds which should be transmitted to the district school board for school purposes at various periods during the year and see, insofar as possible, that these funds are transmitted promptly; report promptly to the district school board any delinquencies or delays that occur in making available any funds that should be made available for school purposes.

(e) Borrowing money.—Recommend when necessary the borrowing of money as prescribed by law.

(f) Financial records and accounting.—Keep or have kept accurate records of all financial transactions.

(g) Payrolls and accounts.—Maintain accurate and current statements of accounts due to be paid by the district school board; certify these statements as correct; liquidate board obligations in accordance with the official budget and rules of the district school board; and prepare periodic reports as required by rules of the state board, showing receipts, balances, and disbursements to date, and file copies of such periodic reports with the Department of Education.

(h) Bonds for employees.—Recommend the bonds of all school employees who should be bonded in order to provide reasonable safeguards for all school funds or property.

(i) Contracts.—After study of the feasibility of contractual services with industry, recommend to the district school board the desirable terms, conditions, and specifications for contracts for supplies, materials, or services to be rendered and see that materials, supplies, or services are provided according to contract.

(j) Investment policies.—The superintendent of schools shall, after careful examination, recommend policies to the district school board which will provide for the investment or deposit of school funds not needed for immediate expenditures which shall earn the maximum possible yield under the circumstances on such investments or deposits. The superintendent of schools shall cause to be invested at all times all school moneys not immediately needed for expenditures pursuant to the policies of the district school board.

(k) Protection against loss.—Recommend programs and procedures to the district school board necessary to protect the school system adequately against loss or damage to school property or against loss resulting from any liability for which the district school board or its officers, agents, or employees may be responsible under law.

(l) Millage elections.—Recommend plans and procedures for holding and supervising all school district millage elections.

(m) Budgets and expenditures.—Prepare, after consulting with the principals of the various schools, tentative annual budgets for the expenditure of district funds for the benefit of public school students ~~pupils~~ of the district.

(n) Bonds.—Recommend the amounts of bonds to be issued in the district and assist in the preparation of the necessary papers for an election to determine whether the proposed bond issue will be approved by the electors; if such bond issue be approved by the electors, recommend plans for the sale of bonds and for the proper expenditure of the funds derived therefrom.

(13) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the state board or by the department; prepare forms for keeping such records as are approved by the district school board; see that such records are properly kept; and make all reports that are needed or required, as follows:

(a) Forms, blanks, and reports.—Require that all employees keep accurately all records and make promptly in proper form all reports required by the school code or by rules of the state board; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and see that these records and reports are properly prepared.

(b) Reports to the department.—Prepare, for the approval of the district school board, all reports that may be required by law or rules of the state board or of the commissioner to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by state board rules, the salary of the superintendent of schools must be withheld until the report has been properly submitted. Unless otherwise provided by regulations of the state board, the annual report on attendance and personnel is due on or before July 1, and the annual school budget and the report on finance are due on the date prescribed by the commissioner.

(c) Failure to make reports; penalty.—Any superintendent of schools who knowingly signs and transmits to any state official a false or incorrect report shall forfeit his or her right to any salary for the period of 1 year from that date.

(14) COOPERATION WITH OTHER AGENCIES.—

(a) Cooperation with governmental agencies in enforcement of laws and rules.—Recommend plans for cooperating with, and, on the basis of approved plans, cooperate with federal, state, county, and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare.

(b) Cooperation with other local administrators to achieve the first state education goal.—Cooperate with the district administrator of the Department of Children and Family Services and with administrators of other local public and private agencies to achieve the first state education goal, readiness to start school.

(c) Identifying and reporting names of migratory children, other information.—Recommend plans for identifying and reporting to the Department of

Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and for reporting such other information as may be prescribed by the department.

(15) ENFORCEMENT OF LAWS AND RULES.—Require that all laws and rules of the state board, as well as supplementary rules of the district school board, are properly observed and report to the district school board any violation that the superintendent of schools does not succeed in having corrected.

(16) COOPERATE WITH DISTRICT SCHOOL BOARD.—Cooperate with the district school board in every manner practicable to the end that the district school system may continuously be improved.

(17) VISITATION OF SCHOOLS.—Visit the schools; observe the management and instruction; give suggestions for improvement; and advise with supervisors, principals, teachers, patrons, and other citizens with the view of promoting interest in education and improving the school conditions of the district.

(18) CONFERENCES, INSTITUTES, AND STUDY COURSES.—Call and conduct institutes and conferences with employees of the district school board, school patrons, and other interested citizens; organize and direct study and extension courses for employees, advising them as to their professional studies; assist patrons and people generally in acquiring knowledge of the aims, services, and needs of the schools.

(19) PROFESSIONAL AND GENERAL IMPROVEMENT.—Attend such conferences for superintendents of schools as may be called or scheduled by the Department of Education and avail himself or herself of means of professional and general improvement so that he or she may function most efficiently.

(20) RECOMMEND REVOKING CERTIFICATES.—Recommend in writing to the Department of Education the revoking of any certificate for good cause, including a full statement of the reason for the superintendent of schools' ~~superintendents'~~ recommendation.

(21) MAKE RECORDS AVAILABLE TO SUCCESSOR.—Leave with the district school board and make available to his or her successor upon retiring from office a complete inventory of school equipment and other property, together with all official records and such other records as may be needed in supervising instruction and in administering the district school system.

(22) RECOMMEND PROCEDURES FOR INFORMING GENERAL PUBLIC.—Recommend to the district school board procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.

(24) OTHER DUTIES AND RESPONSIBILITIES.—Perform such other duties as are assigned to the superintendent of schools by law or by rules of the state board or of the commissioner.

Section 6. Section 231.001, Florida Statutes, is amended to read:

231.001 School district personnel policies.—Except as otherwise provided by law or the State Constitution, district school boards may ~~are authorized to~~ prescribe rules governing personnel matters, including the assignment of duties and responsibilities for all district employees.

Section 7. Section 231.002, Florida Statutes, is amended to read:

231.002 Teacher quality; legislative findings ~~and purpose~~.—

(1) The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The Legislature recognizes that professional educators shape the future of this state and the nation by developing the knowledge and skills of our future workforce and laying the foundation for good citizenship and full participation in community and civic life. The Legislature also recognizes its critical role in meeting the state's educational goals and preparing all students to achieve at the high levels set by the Sunshine State Standards.

(2) The Legislature further finds that effective educators are able to do the following:

(a) Write and speak in a logical and understandable style, using appropriate grammar and sentence structure, and demonstrate a command of standard English, enunciation, clarity of oral directions, and pace and precision in speaking.

(b) Read, comprehend, and interpret professional and other written material.

(c) Compute, think logically, and solve problems.

(d) Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve students' reading and computational performance.

(e) Recognize patterns of physical, social, emotional, and intellectual development in students, including exceptional students in the regular classroom.

(f) Recognize and demonstrate awareness of the educational needs of students who have limited proficiency in English and employ appropriate teaching strategies.

(g) Use and integrate appropriate technology in teaching and learning processes and in managing, evaluating, and improving instruction.

(h) Use assessment and other diagnostic strategies to assist the continuous development and acquisition of knowledge and understanding of the learner.

(i) Use teaching and learning strategies that include consideration of each student's learning styles, needs, and background.

(j) Demonstrate the ability to maintain a positive, collaborative relationship with students' families to increase student achievement.

(k) Recognize signs of tendency toward violence and severe emotional distress in students and apply techniques of crisis intervention.

(l) Recognize signs of alcohol and drug abuse in students and know how to appropriately work with such students and seek assistance designed to prevent future abuse.

(m) Recognize the physical and behavioral indicators of child abuse and neglect and know rights and responsibilities regarding reporting.

(n) Demonstrate the ability to maintain a positive environment in the classroom while achieving order and discipline.

(o) Demonstrate the ability to grade student performance effectively.

(p) Demonstrate knowledge and understanding of the value of, and strategies for, promoting parental involvement in education.

~~(2) The purpose of this act is to raise standards for certifying professional educators, establish a statewide system for inservice professional development, increase accountability for postsecondary programs that prepare future educators, and increase accountability for administrators who evaluate teacher performance. To further this initiative, the Department of Education must review the provisions of this chapter and related administrative rules governing the certification of individuals who must hold state certification as a condition of employment in any district school system. The purpose of the review is to identify ways to make the certification process more efficient and responsive to the needs of district school systems and educators, to maintain rigorous standards for initial and continuing certification, and to provide more alternative certification options for individuals who have specific subject area expertise but have not completed a standard teacher preparation program. The department must evaluate the rigor of the assessment instruments and passing scores required for certification and should consider components of more rigorous and efficient certification systems in other states. The department may request assistance from the Education Standards Commission. By January 1, 2000, the department must submit its findings and recommendations for revision of statutes and administrative rules to the presiding officers of the Senate, the House of Representatives, and the State Board of Education.~~

Section 8. Paragraph (a) of subsection (2) of section 231.02, Florida Statutes, is amended to read:

231.02 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the

age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to s. 231.15 or under the emergency provisions of s. 236.0711. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

(2)(a) Instructional and noninstructional personnel who are hired to fill positions requiring direct contact with students in any district school system or laboratory school shall, upon employment, file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. ~~The~~ Such new employees shall be on probationary status pending fingerprint processing and determination of compliance with standards of good moral character. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. Probationary employees terminated because of their criminal record shall have the right to appeal such decisions. The cost of the fingerprint processing may be borne by the district school board or the employee.

Section 9. Section 231.045, Florida Statutes, is amended to read:

231.045 Periodic criminal history record checks.—In cooperation with the Florida Department of Law Enforcement, the department ~~may~~ shall ~~have the authority to~~ periodically perform a criminal history record check on individuals who hold a certificate pursuant to s. 231.17.

Section 10. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—

(1) A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the district school board determines necessary.

(2) The principal is responsible for recommending to the superintendent of schools the employment of instructional personnel to be assigned to the school to which the principal is assigned.

(3) Each principal is responsible for the performance of all personnel employed by the district school board and assigned to the school to which the principal is assigned. The principal shall faithfully and effectively apply the personnel assessment system approved by the district school board pursuant to s. 231.29.

(4) Each principal shall assist the teachers within the school to use student assessment data, as measured by student learning gains pursuant to s. 229.57, for self-evaluation.

(5) Each principal shall perform such duties as may be assigned by the superintendent of schools, pursuant to the rules of the district school board. Such rules shall include, but ~~are~~ are not be limited to, rules relating to administrative responsibility, instructional leadership in implementing the Sunshine State Standards and the overall educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent of schools, administrative responsibility for records and reports, administration of corporal punishment, and student suspension.

(6) Each principal shall provide leadership in the development or revision and implementation of a school improvement plan, pursuant to s. 230.23(16).

(7) Each principal must make the necessary provisions to ensure that all school reports are accurate and timely, and must provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.

(8) A principal who fails to comply with this section shall be ineligible for any portion of the performance pay policy incentive under s. 230.23(5)(c).

Section 11. Section 231.0861, Florida Statutes, is repealed.

Section 12. Section 231.087, Florida Statutes, is repealed.

Section 13. Section 231.09, Florida Statutes, is amended to read:

231.09 Duties of instructional personnel.—

(1) The primary duty of instructional personnel is to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, and to master the skills required to graduate from high school prepared for postsecondary education and work. This duty applies to instructional personnel whether they teach or function in a support role.

(2) Members of the instructional staff of the public schools shall perform duties prescribed by rules of the district school board. ~~The Such~~ rules shall include, but ~~are~~ are not be limited to, rules relating to a teacher's duty to help students master challenging standards and meet all state and local requirements for achievement; teaching efficiently and faithfully, using prescribed materials and methods, including technology-based instruction; recordkeeping; and fulfilling the terms of any contract, unless released from the contract by the district school board.

Section 14. Section 231.095, Florida Statutes, is amended to read:

231.095 Teachers assigned teaching duties outside field in which certified.—When a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of

study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, the parents or guardians of all students in the class shall be notified in writing of such assignment.

Section 15. Section 231.096, Florida Statutes, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—Each district school board shall adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field. The district school board shall require that such teachers participate in a certification or staff development program designed to provide ~~ensure~~ that the teacher with has the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide ~~ensure~~ that students with receive high-quality instructional services.

Section 16. Section 231.141, Florida Statutes, is amended to read:

231.141 Education paraprofessionals.—A district school board may appoint education paraprofessionals to assist members of the instructional staff in carrying out their duties and responsibilities. An education paraprofessional shall not be required to hold a teaching certificate. An education paraprofessional, while rendering services under the supervision of a certified ~~certificated~~ teacher, shall be accorded the same protection of laws as that accorded the certified teacher. Paid education paraprofessionals employed by a district school board shall be entitled to the same rights as those accorded noninstructional employees of the district school board.

Section 17. Subsection (1) of section 231.143, Florida Statutes, is repealed, subsections (2) through (5) of said section are renumbered as subsections (1) through (4), respectively, and present subsection (3) of said section is amended to read:

231.143 Education paraprofessional career development.—

~~(2)~~(3) A district education paraprofessional career development program must include voluntary participation by paraprofessionals in five career development levels. The district school board shall adopt a procedure for verifying the competency levels of all persons who participate in the career development program and a procedure to determine the outcomes and results of the program and impact on student performance.

Section 18. Subsection (1) and paragraph (a) of subsection (4) of section 231.15, Florida Statutes, are amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the

~~Department of Education to applicants who meet the standards prescribed by such rules for their class of service. The rules must allow the holder of a valid professional certificate to add an area of certification without completing the associated course requirements if the certificateholder attains a passing score on an examination of competency in the subject area to be added, and provides evidence of at least 2 years of satisfactory performance evaluations that considered the performance of students taught by the certificateholder. The rules must allow individuals who have specific subject area expertise, but who have not completed a standard teacher preparation program, to participate in a state-approved alternative certification program for a professional certificate. As appropriate, this program must provide for demonstration competencies in lieu of completion of a specific number of college course credit hours in the areas of assessment, communication, critical thinking, human development and learning, classroom management, planning, technology, diversity, teacher responsibility, code of ethics, and continuous professional improvement. The State Board of Education shall consult with the State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Community Colleges before adopting any changes to training requirements relating to entry into the profession. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction. Each person employed or occupying a position as school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.~~

(4) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. 231.02, if he or she meets the following qualifications:

(a) ~~Is retired from active military duty, pursuant to chapter 102 of Title 10, U.S.C with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.~~

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 19. Section 231.17, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 231.17, F.S., for present text.)

231.17 Teacher certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 231.30 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement. Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application:

(a) A certificate covering the classification, level, and area for which the applicant is deemed qualified; or

(b) An official statement of status of eligibility. The statement of status of eligibility must advise the applicant of any qualifications that must be completed to qualify for certification. Each statement of status of eligibility is valid for 2 years after its date of issuance, except as provided in paragraph (2)(d), and may be reissued for one additional 2-year period if application is made while the initial statement of status of eligibility is valid or within 1 year after the initial statement expires.

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

(a) Be at least 18 years of age.

(b) File a written statement, under oath, that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that 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 as nondegreed areas.

(d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 231.02. If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the

Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3).

(h) Demonstrate mastery of subject area knowledge, pursuant to subsection (4).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to subsection (5).

(3) MASTERY OF GENERAL KNOWLEDGE.—

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

1. Achievement of passing scores on the College Level Academic Skills Test or other basic skills examinations required by state board rule;

2. Achievement of passing scores on another state's general knowledge examinations;

3. A valid standard teaching certificate issued by another state that requires an examination of mastery of general knowledge;

4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

5. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

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

1. Achievement of passing scores on basic skills examination required by state board rule;

2. Achievement of passing scores on the College Level Academic Skills Test earned prior to July 1, 2002;

3. A valid standard teaching certificate issued by another state that requires an examination of mastery of general knowledge;

4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

5. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.—

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

1. Completion of the subject area content requirements specified in state board rule and achievement of passing scores on the National Teachers Examination series, a successor to that series, or other subject area examinations required by state board rule;

2. A valid standard teaching certificate issued by another state that requires an examination of mastery of subject area knowledge;

3. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

4. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

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

1. Achievement of passing scores on subject area examinations required by state board rule;

2. A valid standard teaching certificate issued by another state that requires an examination of mastery of subject area knowledge;

3. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

4. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

(5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—

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

1. Achievement of passing scores on the professional education competency examination required by state board rule, and documentation of one of the following:

a. Completion of an approved teacher preparation program at a postsecondary institution within this state;

b. Successful completion of an approved alternative preparation program, pursuant to paragraph (7)(b); or

c. Completion of professional preparation college courses as specified in state board rule and successful completion of a district professional education competence program pursuant to paragraph (7)(c).

2. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

3. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience in another state during the 5-year period immediately preceding the date of application for certification.

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

1. Completion of an approved teacher preparation program at a postsecondary institution within this state;

2. Completion of a teacher preparation program at a postsecondary institution outside Florida and achievement of passing scores on the professional education competency examination required by state board rule;

3. A valid standard teaching certificate issued by another state that requires an examination of mastery of professional education competence;

4. A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards;

5. A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification; or

6. Successful completion of the Department of Education's professional preparation and education competency program, outlined in paragraph (7)(a).

(6) 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 completes the requirements outlined in paragraphs (2)(a)-(f) and:

1. Until July 1, 2002, completes the subject area content requirements specified in state board rule.

2. Beginning July 1, 2002, completes the subject area content requirements specified in state board rule or achieves a passing score on the subject area examinations required by 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 paragraph (2)(g) must be met within one calendar year of the date of employment under the temporary certificate. A school district shall not employ, or continue the employment of, an individual beyond the one calendar year time period who has not met the requirement of paragraph (2)(g). 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), 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 superintendent of schools, the governing authority of a developmental research school, the governing authority of a state-supported school, or the governing authority of a nonpublic school.

(7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY PROGRAM.—

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

1. A minimum period of initial preparation prior to assuming duties as the teacher of record.

2. An option for collaboration between school districts and other supporting agencies for implementation.

3. Experienced peer mentors.

4. An assessment that provides for:
 - a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.
 - b. A postevaluation to assure successful completion of the program.
5. Content knowledge that includes, but is not limited to, the following:
 - a. Requirements specified in state board rule for professional preparation.
 - b. The educator accomplished practices approved by the state board.
 - c. A variety of data indicators for student progress.
 - d. Methodologies, including technology-based methodologies, for teaching subject content that supports the Sunshine State Standards for students.
 - e. Techniques for effective classroom management.
 - f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students.
 - g. Methodologies for assuring the ability of all students to read, write, and compute.
6. Required achievement of passing scores on the professional education competency examination required by state board rule.
 - (b) Until July 1, 2002, 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 within 2 years after initial employment as a member of the district's instructional staff.
 4. Achieve passing scores on the professional education competency examination required by state board rule.

Each district school board may expend educational training funds provided under ss. 236.081 and 231.600 to implement the provisions of this para-

graph. The department must approve programs and systems developed to demonstrate professional preparation and education competence authorized by this paragraph.

(c) Until July 1, 2002, each school district must develop and maintain a system by which members of the district's instructional staff may demonstrate mastery of professional education competence as required by law. Each district's program 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 must demonstrate such mastery within the first year after employment, unless the individual:

1. Has completed an approved teacher preparation program at a postsecondary institution within this state;
2. Has a valid teaching certificate issued by another state and demonstrated at least 2 years of successful full-time teaching experience in another state; or
3. Is participating in the district's alternate certification program outlined in paragraph (b).

Each district school board may expend educational training funds provided under ss. 236.081 and 231.600 to implement the provisions of this paragraph. The department must approve programs and systems developed to demonstrate professional education competence authorized by this paragraph.

(8) EXAMINATIONS.—

(a) The Commissioner of Education, with the approval of the State Board of Education, may contract for developing, printing, administering, scoring, and appropriate analysis of the written examinations required.

(b) The state board 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 competencies and must establish uniform evaluation guidelines. Individuals who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule which must:

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 schools 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 that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest 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 of schools 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) The state board shall designate the certification areas for subject area examinations. However, until July 1, 2002, an applicant may satisfy the subject area and professional education competence testing requirements by attaining scores on corresponding examinations from the National Teachers Examination series, or a successor to that series, that meet standards established by the state board. Until July 1, 2002, the College Level Academic Skills Test, a similar examination approved by the state board, corresponding examinations from the National Teachers Examination series, or other acceptable means pursuant to subsection (3) must be used to demonstrate mastery of general knowledge as required in subsection (2). All required examinations may be taken prior to graduation. An applicant who has passed the reading, writing, and mathematics subtest of the former Florida Teacher Certification Examination or has previously passed the College Level Academic Skills Test is not required to take the College Level Academic Skills Test.

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

(e) For any examination developed by this state, the department and the state board shall maintain confidentiality of the examination, developmental materials, and workpapers, which are exempt from s. 119.07(1).

(f) By July 1, 2002, the examinations used for demonstration of mastery of general knowledge, professional education competence, and subject area knowledge shall be aligned with student standards approved by the state board. The delivery system for these examinations shall provide for overall efficiency, user-friendly application, reasonable accessibility to prospective teachers, and prompt attainment of examination results. The examination of competency for demonstration of subject area knowledge shall be sufficiently comprehensive to assess subject matter expertise for individuals who have acquired subject knowledge either through college credit or by other means.

(9) NONCITIZENS.—

(a) The State Board of Education may adopt rules for issuing certificates to noncitizens who are 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 Constitution of the United States and the Constitution of the State of Florida, re-

quired under paragraph (2)(b), does not apply to individuals assigned to teach on an exchange basis.

(b) A certificate may not be issued to a citizen of a nation controlled by forces that are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the United States Immigration and Naturalization Service.

(10) DENIAL OF CERTIFICATE.—

(a) The Department of Education may deny an applicant a certificate if the department 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 is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after receipt of the notice of denial.

(11) STATE BOARD RULES.—The State Board of Education shall adopt rules as necessary to implement this section.

(12) PRIOR APPLICATION.—Persons who apply for certification are governed by the law and rules in effect at the time of application for issuance of the initial certificate, provided that continuity of certificates is maintained.

(13) 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 of schools shall furnish the information using a format or forms provided by the department.

(14) AUTHORITY OF COMMISSIONER.—The Commissioner of Education may make decisions regarding an applicant's certification under extenuating circumstances not otherwise provided for in statute or by rule. However, an applicant for certification approved by the commissioner must possess the credentials, knowledge, and skills necessary to provide quality education in the public schools.

(15) 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. 229.57.

Section 20. Section 231.1715, Florida Statutes, is amended to read:

231.1715 Confidentiality of examinations.—All examination instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ~~s. ss. 231.087 and 231.17~~ shall be confidential and exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access to, maintenance of, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education.

Section 21. Section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, ~~and nondegreed teachers of career education, and career specialists;~~ students performing clinical field experience.—

(1) ~~Notwithstanding the provisions of ss. 231.02, 231.15, and 231.17, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:~~

(a) Substitute teachers to be employed pursuant to s. 231.47. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

(c) Part-time and full-time nondegreed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, family and consumer sciences, industrial, marketing, career specialist, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the district school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

(2) Substitute, adult education, and nondegreed career education teachers who are employed pursuant to this section shall have the same rights and protection of laws as certified teachers.

(3) A student who is enrolled in a state-approved teacher preparation program in an institution of higher education which is approved by rules of the State Board of Education and who is jointly assigned by the institution of higher education and a district school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same protection of law as that accorded to the certified educator except for the right to bargain collectively as an employee of the district school board.

Section 22. Section 231.173, Florida Statutes, is repealed.

Section 23. Subsections (1) and (2), paragraphs (a) and (b) of subsection (3), and subsection (5) of section 231.24, Florida Statutes, are amended to read:

231.24 Process for renewal of professional certificates.—

(1)(a) School districts in this state shall renew 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 that district 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 district school board shall transmit monthly to the department a fee in an amount established by the state board \$20 for each renewed certificate. The fee shall not exceed the actual cost to cover the costs for maintenance and operation of the statewide certification database and for the actual 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 established in s. 231.263. The department shall deposit all funds into the Educational Certification Trust Fund for use as specified in s. 231.30.

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

(2)(a) All professional certificates, except a nonrenewable professional certificate, shall be renewable for successive periods not to exceed 5 years after 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, ~~except that~~

(b) 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.

(c) ~~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 be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate.

(d) 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 the superintendent of schools of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that employs the applicant.

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

(a) The applicant must 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 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. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students 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. ~~231.600~~ 236.081 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) ~~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, by completion of the national certification from the National Board for Professional Teaching Standards in that specialization area, 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.~~

(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 within 5 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 paragraph (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 24. Subsections (1) and (4), paragraph (d) of subsection (7), and subsection (8) of section 231.261, Florida Statutes, are amended to read:

231.261 Education Practices Commission; organization.—

(1) ~~There is created~~ The Education Practices Commission consists, to consist of 17 15 members, including 7 teachers, 5 administrators, and 5 3 lay citizens (of whom 2 shall be former district school board members), 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 the teaching 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 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the teaching 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.

(4) From among its members, the commission shall elect a chair who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department may ~~is authorized to~~ reimburse local school districts for substitutes.

(7) The duties and responsibilities of the commission are to:

(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it.

(8)(a) The commission shall, from time to time, designate members of the commission to serve on ~~be divided into two panels for the purpose of reviewing and issuing final orders upon cases presented to the commission it. A case recommended order concerning a complaint against a teacher shall be reviewed and a final order thereon shall be entered acted upon by a panel composed of seven commission members, four of whom shall be teachers, two lay citizens, and one administrator from the commission. A case recommended order concerning a complaint against an administrator shall be reviewed and a final order thereon shall be entered acted upon by a panel composed of seven commission members, four of whom shall be administrators, two lay citizens, and one teacher from the commission.~~

(b) A majority of quorum of a panel ~~The panels of the commission shall have final agency authority in all cases involving the revocation, and suspension, or other disciplining of certificates of teachers and school administrators. A majority of the membership of the panel shall constitute a quorum. The district local school board shall retain the authority to discipline teachers and administrators pursuant to law.~~

Section 25. Paragraphs (a) and (b) of subsection (1) and subsections (2), (4), and (7) of section 231.262, Florida Statutes, are amended to read:

231.262 Complaints against teachers and administrators; procedure; penalties.—

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint ~~which is~~ filed before it or ~~which is~~ otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (6). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. ~~231.2615~~ 231.28. The department may investigate or continue to investigate and take appropriate action in a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose teaching certificate has expired if the act or acts which are the basis for the complaint were allegedly committed while that person possessed a teaching certificate.

(b) When an investigation is undertaken, the department shall notify the certificateholder and the superintendent of schools in the district in which the certificateholder is employed and shall inform the certificateholder of the substance of any complaint which has been filed against that certificateholder, unless. ~~However~~, if the department determines that such notification would be detrimental to the investigation, in which case the department may withhold notification.

(2) The Commissioner of Education shall develop job specifications for investigative personnel employed by the department of ~~Education~~. Such specifications shall be substantially equivalent to or greater than those job specifications of investigative personnel employed by the Department of Business and Professional Regulation. The department may contract with the Department of Business and Professional Regulation for investigations. No person who is responsible for conducting an investigation of a teacher or administrator may prosecute the same case. The department general counsel or members of that staff may conduct prosecutions under this section.

(4) The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, ~~or~~ until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 231.263(6). However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder's designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation, is concluded with the finding that there is no probable cause to proceed, the complaint and information 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 and a complaint is filed pursuant to subsection (5), the complaint and information shall be open thereafter to inspection pursuant to s. 119.97(1). If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 231.263(6)(d). 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.

(7) Violations of the provisions of probation shall result in an order to show cause issued by the clerk of the Education Practices Commission. Upon failure of the probationer, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating probation should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 231.2615 ~~231.28~~(6). Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission.

Section 26. Section 231.263, Florida Statutes, is amended to read:

231.263 Recovery network program for educators.—

(1) RECOVERY NETWORK ESTABLISHED.—There is created within the Department of Education, to begin on July 1, 1994, a recovery network program to assist educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition in obtaining treatment to permit their continued contribution to the education profession. Any person who holds certification issued by the department pursuant to s. 231.17 is eligible for the assistance.

(2) STAFF.—

(a) The department shall employ an administrator and staff as are necessary to be assigned exclusively to the recovery network program.

(b) The Commissioner of Education shall establish the criteria for and appoint the staff of the program.

(c) The department may contract with other professionals to implement this section.

(3) PURPOSE.—The recovery network program shall assist educators in obtaining treatment and services from approved treatment providers, but each impaired educator must pay for his or her treatment under terms and conditions agreed upon by the impaired educator and the treatment provider. A person who is admitted to the program must contract with the treatment provider and the program. The treatment contract must prescribe the type of treatment and the responsibilities of the impaired educator and of the provider and must provide that the impaired educator's progress will be monitored by the program.

(4) APPROVAL OF TREATMENT PROVIDERS.—The recovery network program shall locate, evaluate, and approve qualified treatment providers.

(5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION AND DEPARTMENT.—The recovery network program shall operate independently of, but may cooperate with, the Office of Professional Practices

Services of the Department of Education and the Education Practices Commission. A person's participation in the program entitles the commissioner to enter into a deferred prosecution agreement pursuant to s. 231.262, or such participation may be considered a factor in mitigation of or a condition of disciplinary action against the person's certificate by the Education Practices Commission pursuant to s. 231.2615 ~~231.28~~.

(6) **PARTICIPATION.**—The recovery network program shall operate independently of employee assistance programs operated by local school districts, and the powers and duties of school districts to make employment decisions, including disciplinary decisions, is not affected except as provided in this section:

(a) A person who is not subject to investigation or proceedings under ss. 231.262 and 231.2615 ~~231.28~~ may voluntarily seek assistance through a local school district employee assistance program for which he or she is eligible and through the recovery network, regardless of action taken against him or her by a school district. Voluntarily seeking assistance alone does not subject a person to proceedings under ss. 231.262 and 231.2615 ~~231.28~~.

(b) A person who is subject to investigation or proceedings under ss. 231.262 and 231.2615 ~~231.28~~ may be required to participate in the program. The program may approve a local employee assistance program as a treatment provider or as a means of securing a treatment provider. The program and the local school district shall cooperate so that the person may obtain treatment without limiting the school district's statutory powers and duties as an employer or the disciplinary procedures under ss. 231.262 and 231.2615 ~~231.28~~.

(c) A person who has not previously been under investigation by the department may be enrolled in a treatment program by the recovery network after an investigation has commenced, if the person:

1. Acknowledges his or her impairment.
2. Agrees to evaluation, as approved by the recovery network.
3. Agrees to enroll in an appropriate treatment program approved by the recovery network.

4. Executes releases for all medical and treatment records regarding his or her impairment and participation in a treatment program to the recovery network, pursuant to 42 U.S.C., s. 290dd-3, and the federal regulations adopted thereunder.

5. Enters into a deferred prosecution agreement with the commissioner, which provides that no prosecution shall be instituted concerning the matters enumerated in the agreement if the person is properly enrolled in the treatment program and successfully completes the program as certified by the recovery network. The commissioner is under no obligation to enter into a deferred prosecution agreement with the educator, but may do so if he or she determines that it is in the best interest of the educational program of the state.

6. Has not previously entered a substance abuse program.

7. Is not being investigated for any action involving commission of a felony or violent act against another person.

8. Has not had multiple arrests for minor drug use, possession, or abuse of alcohol.

(7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS DETERMINED.—If a complaint is made to the department against a teacher or an administrator pursuant to s. 231.262 and a finding of no probable cause indicates that no concern other than impairment exists, the department shall inform the person of the availability of assistance provided by the recovery network program.

(8) ADMISSION.—A person who is referred or who requests admission to the recovery network program shall be temporarily admitted pending a finding that he or she has:

(a) Acknowledged his or her impairment problem.

(b) Agreed to evaluation as approved by the recovery network program.

(c) Voluntarily enrolled in an appropriate treatment program approved by the recovery network program.

(d) Voluntarily sought agreement from the school district for temporary leave or limitations on the scope of employment if the temporary leave or limitations are included in the treatment provider's recommendations; or voluntarily agreed to pursue the alternative treatment recommended by the treatment provider if the school district does not approve such temporary leave or limitations on the scope of employment.

(e) Executed releases to the recovery network program for all medical and treatment records regarding his or her impairment and participation in a treatment program pursuant to 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder.

(9) DISCLOSURE OF MEDICAL RECORDS.—An approved treatment provider must disclose to the recovery network program all information in its possession which relates to a person's impairment and participation in the treatment program. Information obtained under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is necessary to promote the rehabilitation of impaired educators and to protect the privacy of treatment program participants. The failure to provide such information to the program is grounds for withdrawal of approval of a treatment provider. Medical records provided to the program may not be disclosed to any other person, except as authorized by law.

(10) DECLARATION OF INELIGIBILITY.—

(a) A person may be declared ineligible for further assistance from the recovery network program if he or she does not progress satisfactorily in a

treatment program or leaves a prescribed program or course of treatment without the approval of the treatment provider.

(b) The determination of ineligibility must be made by the commissioner in cases referred to him or her by the program administrator. Before referring a case to the commissioner, the administrator must discuss the circumstances with the treatment provider. The commissioner may direct the Office of Professional Practices Services to investigate the case and provide a report.

(c) If a treatment contract with the program is a condition of a deferred prosecution agreement, and the commissioner determines that the person is ineligible for further assistance, the commissioner may agree to modify the terms and conditions of the deferred prosecution agreement or may issue an administrative complaint, pursuant to s. 231.262, alleging the charges regarding which prosecution was deferred. The person may dispute the determination as an affirmative defense to the administrative complaint by including with his or her request for hearing on the administrative complaint a written statement setting forth the facts and circumstances that show that the determination of ineligibility was erroneous. If administrative proceedings regarding the administrative complaint, pursuant to ss. 120.569 and 120.57, result in a finding that the determination of ineligibility was erroneous, the person is eligible to participate in the program. If the determination of ineligibility was the only reason for setting aside the deferred prosecution agreement and issuing the administrative complaint and the administrative proceedings result in a finding that the determination was erroneous, the complaint shall be dismissed and the deferred prosecution agreement reinstated without prejudice to the commissioner's right to reissue the administrative complaint for other breaches of the agreement.

(d) If a treatment contract with the program is a condition of a final order of the Education Practices Commission, the commissioner's determination of ineligibility constitutes a finding of probable cause that the person failed to comply with the final order. The commissioner shall issue an administrative complaint, and the case shall proceed under ss. 231.262 and 231.2615 ~~231.28~~, in the same manner as cases based on a failure to comply with an order of the Education Practices Commission.

(e) If the person voluntarily entered into a treatment contract with the program, the commissioner shall issue a written notice stating the reasons for the determination of ineligibility. Within 20 days after the date of such notice, the person may contest the determination of ineligibility pursuant to ss. 120.569 and 120.57.

(11) MEDICAL RECORDS RELEASE.—Medical records released pursuant to paragraph (8)(e) may be disclosed to the commissioner, the Office of Professional Practices Services, and the Education Practices Commission only as required for purposes of this section, or as otherwise authorized by law. Further disclosure or release of the medical records may not be made except as authorized by law and in accordance with 42 U.S.C. s. 290dd-2 and the federal regulations adopted thereunder. The medical records are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(12) FEES.—The State Board of Education shall include in the fees established pursuant to s. 231.30 an amount sufficient to implement the provisions of this section. The state board shall by rule establish procedures and additional standards for:

(a) Approving treatment providers, including appropriate qualifications and experience, amount of reasonable fees and charges, and quality and effectiveness of treatment programs provided.

(b) Admitting eligible persons to the program.

(c) Evaluating impaired persons by the recovery network program.

Section 27. Section 231.28, Florida Statutes, is renumbered as section 231.2615, Florida Statutes, and amended to read:

231.2615 ~~231.28~~ Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission ~~may~~ shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that the ~~such~~ person:

(a) Obtained the teaching certificate by fraudulent means.;

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.;

(c) Has been guilty of gross immorality or an act involving moral turpitude.;

(d) Has had a teaching certificate revoked in another state.;

(e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.;

(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district ~~school~~ board.;

(g) Has breached a contract, as provided in s. 231.36(2).;

(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.;

(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.;

(j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the teaching certificate.;

(k) Has violated any order of the Education Practices Commission.

(2) The plea of guilty in any court, the decision of guilty by any court, the forfeiture by the teaching certificateholder of a bond in any court of law, or the written acknowledgment, duly witnessed, of offenses listed in subsection (1) to the superintendent of schools or a duly appointed representative or to the district school board shall be prima facie proof of grounds for revocation of the certificate as listed in subsection (1) in the absence of proof by the certificateholder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.

(3) The revocation by the Education Practices Commission of a teaching certificate of any person automatically revokes any and all Florida teaching certificates held by that person.

(4)(a) A teaching certificate which has been suspended under this section is automatically reinstated at the end of the suspension period, provided the ~~such~~ certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate. A teaching certificate suspended pursuant to a court order for a delinquent child support obligation may only be reinstated upon notice from the court that the party has complied with the terms of the court order.

(b) A person whose teaching certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by the Education Practices Commission by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate.

(5) Each ~~district~~ superintendent of schools and the governing authority of each developmental research school, state-supported school, or nonpublic school 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.

(6)(a) When an individual violates the provisions of a settlement agreement enforced by a final order of the Education Practices Commission, an order to show cause may be issued by the clerk of the commission. The order shall require the individual to appear before the commission to show cause why further penalties should not be levied against the individual's certificate pursuant to the authority provided to the Education Practices Commission in subsection (1). The Education Practices Commission ~~may~~ shall have the authority to fashion further penalties under the authority of subsection (1) as deemed appropriate when the show cause order is responded to by the individual.

(b) The Education Practices Commission shall issue a final order revoking an individual's Florida educator's certificate for a minimum of 1 year under the following circumstances:

1. If the individual:

a. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual's Florida educator's certificate on two separate occasions;

b. Has twice entered into a settlement agreement enforced by a final order of the Education Practices Commission; or

c. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual's Florida educator's certificate on one occasion and entered into a settlement agreement enforced by a final order of the Education Practices Commission on one occasion; and

2. A third finding of probable cause and a finding that the allegations are proven or admitted to is subsequently found by the Commissioner of Education.

If, in the third instance, the individual enters into a settlement agreement with the Department of Education, that agreement shall also include a penalty revoking that individual's Florida educator's certificate for a minimum of 1 year.

Section 28. Section 231.29, Florida Statutes, is amended to read:

231.29 Assessment procedures and criteria.—

(1) For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the superintendent of schools shall establish procedures for assessing 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 assessment system.

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

(a) The system must be designed to support district and school level improvement plans.

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

(c) The system must include a mechanism to give parents an opportunity to provide input into employee performance 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) The 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 assessment criteria and procedures.

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are ~~need not be~~ limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. Beginning with the full implementation of an annual assessment of learning gains, the assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 229.57 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 229.57 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.
2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction, including the use of technology in the classroom.
5. Ability to evaluate instructional needs.

6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

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

(c) The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent of schools for the purpose of reviewing the employee's contract. If the employee is assigned to a school designated in performance grade category "D" or "F" and was rated unsatisfactory on any function related to the employee's instructional or administrative duties, the superintendent of schools, in consultation with the employee's evaluator, shall review the employee's performance assessment. If the superintendent of schools determines that the lack of general knowledge, subject area expertise, or other professional competencies contributed to the employee's unsatisfactory performance, the superintendent of schools shall notify the district school board of that determination. The district school board shall require those employees, as part of their performance probation, to take and receive a passing score on a test of general knowledge, subject area expertise, or professional competencies, whichever is appropriate. The tests required by this paragraph shall be those required for certification under this chapter and rules of the State Board of Education. The evaluator must submit the written report to the employee no later than 10 days after the assessment takes place. The evaluator must discuss the written report of assessment with the employee. The employee shall have the right to initiate a written response to the 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 a professional service contract as provided in s. 231.36, 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.

b. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent of schools. Within 14 days after receiving the evaluator's recommendation, the superintendent of schools must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent of schools will recommend that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent of schools' superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent of schools' superintendent's recommendation, submit a written request for a hearing. ~~The~~ Such 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 superintendent of schools' 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 superintendent of schools 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 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. ~~231.2615~~ 231.28(1)(b).

(5) The superintendent of schools shall develop a mechanism for evaluating the effective use of assessment criteria and evaluation procedures by administrators who are assigned responsibility for evaluating the performance of instructional personnel. The use of the assessment and evaluation procedures shall be considered as part of the annual 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 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 assess instructional personnel. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an assessment system.

(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 assessment of instructional personnel and that include criteria for evaluating professional performance.

Section 29. Subsection (3) of section 231.2905, Florida Statutes, is amended to read:

231.2905 Florida School Recognition Program.—

(3) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used as determined by the school's staff and school advisory council for nonrecurring bonuses to the faculty and staff or for nonrecurring expenditures for educational equipment or materials or temporary personnel for the school to assist in maintaining and improving student performance. Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 30. Subsection (1) of section 231.30, Florida Statutes, is amended to read:

231.30 Certification fees.—

(1) The State Board of Education, by rule, shall establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping, and may establish procedures for scheduling and administering an examination upon an applicant's request. Each fee shall be based on department estimates of the revenue required to implement the provisions of law with respect to certification of school personnel ~~and shall not exceed \$60, except as otherwise provided in this section.~~ The application fee shall be nonrefundable. Each examination fee shall be sufficient to cover the actual cost of developing and administering the examination, but shall not exceed \$100 for an examination ~~\$60 for any regularly scheduled examination or \$100 for an examination administered upon an applicant's request.~~

Section 31. Section 231.3505, Florida Statutes, is amended to read:

231.3505 Employment of directors of career education in school districts.—In order to receive state funding, each district school board that employs at least 15 full-time equivalent vocational teachers must employ a director of career education who meets the certification requirements established by the State Board of Education. ~~The Such~~ directors shall be directly accountable to the superintendent of schools, or his or her ~~the superintendent's~~ designee, for the planning and implementation of vocational programs. Two or more district school boards may employ a single director.

Section 32. Paragraph (b) of subsection (1) and subsections (2), (3), (4), (5), (6), and (7) of section 231.36, Florida Statutes, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract. After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the district school board.

(2) Any person so employed on the basis of a written offer of a specific position by a duly authorized agent of the district school board for a stated term of service at a specified salary, and who accepted such offer by telegram or letter or by signing the regular contract form, who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement by the district school board of the district in which the person is employed shall be subject to the jurisdiction of the Education Practices Commission. The district school board shall take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education.

(3)(a) ~~Each district~~ The school board of each district shall provide a professional service contract as prescribed herein. Each member of the instructional staff who completes the following requirements prior to July 1, 1984, shall be entitled to and shall be issued a continuing contract in the form prescribed by rules of the state board pursuant to s. 231.36, Florida Statutes 1981. Each member of the instructional staff who completes the following requirements on or after July 1, 1984, shall be entitled to and shall be issued a professional service contract in the form prescribed by rules of the state board as provided herein:

1. The member must hold a professional certificate as prescribed by s. 231.17 and rules of the State Board of Education.

2. The member must have completed 3 years of probationary service in the district during a period not in excess of 5 successive years, except for leave duly authorized and granted.

3. The member must have been recommended by the superintendent of schools for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.

4. For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract.

(b) The professional service contract shall be effective at the beginning of the school fiscal year following the completion of all requirements therefor.

(c) The period of service provided herein may be extended to 4 years when prescribed by the district school board and agreed to in writing by the employee at the time of reappointment.

(d) A district school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district.

(e) A professional service contract shall be renewed each year unless the superintendent of schools, after receiving the recommendations required by s. 231.29, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.

(f) The superintendent of schools shall notify an employee who holds a professional service contract on July 1, 1997, in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent of schools, or his or her the superintendent's designee, for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent of schools, after receiving and reviewing the recommendation required by s. 231.29, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent of schools may notify the district school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent of schools is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent of schools' superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent of schools' superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the district school board within 60 days of 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 superintendent of schools' 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

b. 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 of 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)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the district school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the district school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent of schools, by the principal if his or her contract is not under consideration, or by a majority of the district school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the district school board, and such notice shall include a copy of the charges and the recommendation to the district school board. The district school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the district school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the district school board, the district school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the superintendent of schools, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

(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 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.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The district school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay;

but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

1. 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 superintendent of schools' ~~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

2. 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.

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the district school board, the district school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the superintendent of schools, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

(7) The district school board of any given district shall grant continuing service credit for time spent performing duties as a member of the Legislature to any district employee who possesses a professional service contract, multiyear contract, or continuing contract.

Section 33. Section 231.3605, Florida Statutes, is amended to read:

231.3605 Educational support employees.—

(1) As used in this section:

(a) “Educational support employee” means any person employed by a district school system who is employed as a teacher assistant, an education paraprofessional, a member of the transportation department, a member of the operations department, a member of the maintenance department, a member of food service, a secretary, or a clerical employee, or any other person who by virtue of his or her position of employment is not required to be certified by the Department of Education or district school board pursuant to s. 231.1725. This section does not apply to persons employed in confidential or management positions. This section applies to all employees who are not temporary or casual and whose duties require 20 or more hours in each normal working week.

(b) “Employee” means any person employed as an educational support employee.

(c) “Superintendent” means the superintendent of schools or his or her designee.

(2)(a) Each educational support employee shall be employed on probationary status for a period to be determined through the appropriate collective bargaining agreement or by district school board rule in cases where a collective bargaining agreement does not exist.

(b) Upon successful completion of the probationary period by the employee, the employee’s status shall continue from year to year unless the superintendent terminates the employee for reasons stated in the collective bargaining agreement, or in district school board rule in cases where a collective bargaining agreement does not exist, or reduces the number of employees on a districtwide basis for financial reasons.

(c) In the event a superintendent seeks termination of an employee, the district school board may suspend the employee with or without pay. The employee shall receive written notice and shall have the opportunity to formally appeal the termination. The appeals process shall be determined by the appropriate collective bargaining process or by district school board rule in the event there is no collective bargaining agreement.

Section 34. Subsection (2) of section 231.361, Florida Statutes, is reenacted to read:

231.361 Vocational teachers; status.—

(2) A holder of a certificate based on nonacademic preparation which entitled him or her to employment to teach classes in career or adult education shall not be assigned to teach in a regular academic field of the kindergarten through grade 12 school program.

Section 35. Section 231.39, Florida Statutes, is amended to read:

231.39 Provisions for leaves of absence.—All leaves of absence for all district school board employees, except those leaves prescribed by law, shall be granted with or without compensation pursuant to rules adopted by the district school board. Such leaves authorized by the district school board shall include, but are not be limited to, professional leave and extended professional leave, personal leave, military leave granted in compliance with chapter 115, and maternity leave.

Section 36. Subsections (2), (3), and (4) of section 231.40, Florida Statutes, are amended to read:

231.40 Sick leave.—

(2) ELIGIBILITY.—Any member of the instructional staff or any other employee of a district school system employed on a full-time basis in the public schools of the state who is unable to perform his or her duty in the school on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, other close relative, or member of his or her own household, and consequently has to be absent from his or her work shall be granted leave of absence for sickness by the superintendent of schools or by someone designated in writing by the superintendent of schools to do so.

(3) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis shall be entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which shall not be used prior to the time it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee. However, each member of the instructional staff and each other employee shall be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 sick days available to him or her, the district school board may withhold the average daily amount for the sick days utilized but unearned by the employee. Such leave shall be taken only when necessary because of sickness as herein prescribed. The ~~Such~~ sick leave shall be cumulative from year

to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

3. District school boards ~~may be authorized to~~ adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay shall not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. However, for such employees hired on or after July 1, 1995, terminal pay shall not exceed an amount determined as follows:

a. One-fourth of all unused sick leave accumulated on or after July 1, 1995; however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment.

b. For unused sick leave accumulated prior to July 1, 1995, terminal payment shall be made pursuant to a district school board's policies which are in effect on July 1, 1995.

(b) Claim must be filed.—Any district school board employee who finds it necessary to be absent from his or her duties because of illness, as defined in this section, shall notify his or her immediate supervisor, if possible, before the beginning of the workday on which the employee must be absent or during that day, except for emergency reasons recognized by the district school board as valid. Any district school board employee shall, before claiming and receiving compensation for the time absent from his or her duties while absent because of sick leave as prescribed in this section, make and file within 5 working days following his or her return from such absence with the superintendent of schools of the district in which he or she is so employed a written certificate which shall set forth the day or days absent, that such absence was necessary, and that the employee is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section; however, the district school board of any district may prescribe regulations under which the superintendent of schools may require a certificate of illness from a licensed physician or from the county health officer.

(c) Compensation.—Any employee having unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave, but no compensation may be allowed beyond that which may be provided in subsection (4).

(d) Expenditure authorized.—District school boards ~~may be authorized~~ to expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules promulgated by the Department of Management Services pursuant to chapter 650.

(4) SICK LEAVE POOL.—Notwithstanding any other provision of this section, a district school board, based upon the maintenance of reliable and accurate records by the district school system showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule or collective bargaining agreement, establish one or more plans allowing participating full-time employees of a district school system to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules or agreements shall include, but not be limited to, the following provisions:

(a) Participation in any sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in any sick leave pool after 1 year of employment with the district school system, provided ~~the such~~ employee has accrued a minimum amount of unused sick leave, which ~~minimum~~ shall be established by rule and provided further, a sick leave pool is established that allows participation by that particular employee.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed by an employee to the pool. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for said employee's personal illness, accident, or injury.

(f) A participating employee ~~is~~ shall not be eligible to use sick leave from the pool until all of his or her sick leave has been depleted, unless otherwise agreed to in a collective bargaining agreement. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool ~~is~~ shall not be required to recontribute such sick leave to the pool, except as otherwise provided in this section.

(h) A participating employee who chooses to no longer participate in the sick leave pool ~~is~~ shall not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and be subject to such other disciplinary action as determined by the district school board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 37. Section 231.41, Florida Statutes, is amended to read:

231.41 Illness-in-line-of-duty leave.—Any district school board employee shall be entitled to illness-in-line-of-duty leave when he or she has to be absent from his or her duties because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in school work. The following requirements shall be observed:

(1) DURATION OF LEAVE AND COMPENSATION.—Leave of the district school board employee shall be authorized for a total of not to exceed 10 school days during any school year for illness contracted, or injury incurred, from the causes prescribed above. However, in the case of sickness or injury occurring under such circumstances as in the opinion of the district school board warrant it, additional emergency sick leave may be granted out of local funds for such term and under such conditions as the district school

board deems proper. The district school board ~~may be authorized, when it deems it desirable to do so,~~ to carry insurance to safeguard the district school board against excessive payments during any year.

(2) CLAIMS.—Any district school board employee who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall file a claim in the manner prescribed in s. 231.40(3)(b) within 5 working days following the employee's return from such absence. The school board of the district in which such person is employed shall approve the ~~such~~ claims and authorize the payment thereof if the district school board is satisfied that the claim correctly states the facts and that the ~~such~~ claim is entitled to payment in accordance with the provisions of this section.

Section 38. Subsections (1) and (3) of section 231.424, Florida Statutes, are amended to read:

231.424 Sabbatical leave.—

(1) Any member of the instructional staff of any school district may be granted sabbatical leave for a period not to exceed 1 year. A person who receives such leave may be paid one-half of his or her ordinary salary during the period of such leave, or in accordance with negotiated agreement or district school board policy, and shall receive full benefits during such period. A person compensated under this section may not be compensated for other employment during the period of sabbatical leave so that he or she would receive combined compensation in excess of his or her ordinary salary.

(3) Each district school board shall adopt rules to implement this section.

Section 39. Section 231.434, Florida Statutes, is amended to read:

231.434 Annual leave.—District school boards ~~may be authorized to~~ adopt rules that provide for the earning of annual leave by employees, including educational support employees, who are employed for 12 calendar months a year.

Section 40. Section 231.44, Florida Statutes, is amended to read:

231.44 Absence without leave.—Any district school board employee who is willfully absent from duty without leave shall forfeit compensation for the time of such absence, and his or her employment shall be subject to termination by the district school board.

Section 41. Section 231.45, Florida Statutes, is amended to read:

231.45 Records of absences.—The administrator of each designated organizational unit shall see that both the days present and the days absent for each employee are reported to the superintendent of schools at least once each month in the manner prescribed for that purpose. This report shall include the exact dates of, and the reasons for, each absence. Each superintendent of schools shall establish procedures to ensure maintenance of the complete records of all such absences.

Section 42. Section 231.47, Florida Statutes, is amended to read:

231.47 Substitute teachers.—Each district school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers. Such procedure for employment shall include, but is not be limited to, the filing of a complete set of fingerprints as required in s. 231.02.

Section 43. Section 231.471, Florida Statutes, is amended to read:

231.471 Part-time teachers.—

(1) District school boards may hire ~~use their discretion in hiring~~ certified and qualified personnel as provided in s. 231.1725 to teach a specified number of periods, which may be less than a full school day or less than a full school year.

(2) Assigned additional school duties and salaries shall be given in direct ratio to the number of periods taught. Other benefits shall be provided by district school board rule or, if applicable, pursuant to chapter 447.

Section 44. Section 231.481, Florida Statutes, is amended to read:

231.481 Terminal pay for accrued vacation leave.—A district school board may establish policies to provide for a lump-sum payment for accrued vacation leave to an employee of the district school board upon termination of employment or upon retirement, or to the employee's beneficiary if service is terminated by death. Effective July 1, 1995, terminal pay for accrued vacation leave may not exceed a maximum of 60 days of actual payment for employees hired on or after that date.

Section 45. Section 231.495, Florida Statutes, is amended to read:

231.495 Retirement annuities authorized.—

(1) District school boards may ~~are authorized to~~ purchase annuities for all school personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System or who have reached age 55 and have applied for retirement under plan E of the Teachers' Retirement System. No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit.

(2) District school boards may also ~~also~~ purchase annuities for members of the Florida Retirement System who have out-of-state teaching service in another state or country which is documented as valid by the appropriate district school board. Such annuities may be based on no more than 5 years of out-of-state teaching service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state teaching was authorized under that system.

(3) District school boards may ~~are authorized to~~ invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for school personnel.

(4) All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 46. Subsections (1) and (3) of section 231.545, Florida Statutes, are amended to read:

231.545 Education Standards Commission; organization.—

(1) ~~There is created~~ The Education Standards Commission shall, ~~to~~ consist of 24 members 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 the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible. The members shall include:

(a) Twelve teachers at least one of whom is a teacher in a private institution who is certified by the Department of Education and one of whom is certified as a vocational teacher.

(b) One superintendent of schools.

(c) One school principal.

(d) One school personnel officer, to be appointed on the date of the first expiration of a school principal's term.

(e) One teacher education or inservice ~~education/in~~service director.

(f) Four citizens, two of whom are district school board members.

(g) Three representatives from higher education, two of whom are deans of colleges, schools, or departments of education and one of whom is employed by an independent institution.

(h) One administrative representative from a community college.

(3) Members shall serve for 3-year staggered terms and shall be entitled to reimbursement for expenses of attending meetings of the commission. Reimbursement for such expenses shall be made by the Treasurer from funds appropriated for the Department of Education, on warrants drawn by the Comptroller upon requisitions approved by the Department of Education. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at the rate established by the school district for substitute teachers. The department may ~~is authorized to~~ reimburse local school districts for substitutes.

Section 47. Subsection (1) and paragraph (b) of subsection (2) of section 231.546, Florida Statutes, are amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall ~~have the duty to:~~

(a) Recommend to the state board high standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns. ~~The Such~~ standards must be consistent with the state's duty to provide a high-quality system of public education to all students.

(b) Recommend to the state board standards for approval of preservice teacher education programs.

(c) Plan and conduct an annual review of human resources studies regarding teaching personnel and report the findings to the state board.

(d) Recommend to the state board objective, independently verifiable standards of measurement and evaluation of teaching competence.

(e) Recommend to the state board alternative ways to demonstrate qualifications for certification which assure fairness and flexibility while protecting against incompetence.

(f) Recommend critical state priorities for preservice and inservice teacher training such as understanding diverse student populations, working in a changing workplace, and understanding subject matter and instruction. The commission shall recommend standards for measuring evidence of training in these priorities for continuing program approval for preservice teacher education, initial teacher certification and certificate renewal, and staff development activities.

(g) Evaluate the progress of school community professional development systems as provided in s. 231.600.

(h) Perform such other duties as may be required to achieve the purposes of this section and s. 231.545.

(2) The commission shall develop, through the teaching profession, standards of professional practice in areas including, but not limited to, ethical and professional performance.

(b) The commission ~~may shall have the authority to~~ establish procedures for developing codes or standards of professional ethics, performance, and practices as described herein and to recommend to the state board for adoption such codes, standards, and rules to effectuate the purposes of this section.

Section 48. Section 231.600, Florida Statutes, is amended to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community to meet state and local student achievement standards and the

state education goals and to succeed in school improvement as described in s. 229.591.

(2) The school community includes administrative personnel, managers administrators, instructional personnel, support personnel, members of district school boards principals, members of school advisory councils, parents, business partners, and personnel that provide health and social services to school children. School districts may identify and include additional members of the school community in the professional development activities required by this section.

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives;

(b) Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners; and

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

(4) The Department of Education, school districts, schools, and public colleges and universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall develop and disseminate to the school community model professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a statewide performance support system, a database of exemplary professional development activities, a listing of available professional development resources, training programs, and technical assistance.

(b) Each school district shall develop a professional development system. The system shall be developed in consultation district school board shall consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2.1. Require the that principals and schools use of student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, performance appraisal data of teachers, managers, and administrative personnel, and other performance indicators to identify school and student needs that can be met by improved professional performance, and assist principals and schools in making these identifications;

3.2. Provide inservice ~~training~~ activities coupled with followup support that ~~are~~ is appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis, classroom management, and school safety.;

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1 using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section must be submitted annually to the commissioner by October 1.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for effective school management and instructional leadership.

7.3. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.;

8.4. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.; ~~and~~

9.5. Provide for the continuous evaluation of ~~Continuously evaluate~~ the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

(c) Each public community college and university shall assist the department, school districts, and schools in the design, delivery, and evaluation of professional development activities. This assistance must include active participation in state and local activities required by the professional development system.

(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional development of school administrative personnel. This system shall:

1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.

2. Include performance evaluation methods.

3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and institutions of higher education pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.

4. Provide for the hiring of qualified out-of-state school administrative personnel.

5. Provide advanced educational opportunities for school-based instructional leaders.

(b) The Commissioner of Education shall appoint a task force that includes a school district superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.

(6)(5) Each district school board shall provide funding for the professional development system as required by s. 236.081 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(7) An organization of nonpublic schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of chapter 232, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(8)(6) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that attributed to the progress. If the review of the data indicates a lack

~~of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development~~ If the review of data indicates an achievement level that is unusual, the department may investigate the causes of the success or lack of success, may provide technical assistance, and may require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

~~(9)(7)~~ The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

~~(10)(8)~~ This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

~~(11)(9)~~ For teachers, managers, and administrative personnel ~~administrators~~ who have been evaluated as less than satisfactory, a district school board shall ~~may~~ require participation in specific professional development programs as part of the improvement prescription.

Section 49. Section 231.6135, Florida Statutes, is amended to read:

231.6135 Statewide system for inservice professional development.— The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and administrative personnel ~~administrators~~ designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(1) Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary institutions which may award college credits for courses taught at the academy.

(2) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer-based delivery systems.

(3) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel ~~administrators~~, schools, and school districts relating to improving student achievement and meeting state and local education goals.

(4) Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.

(5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent of schools and one district school board chair ~~chairman~~ from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts.

(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions.

(7) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.

(8) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

Section 50. Section 231.614, Florida Statutes, is repealed.

Section 51. Subsection (1) of section 231.62, Florida Statutes, is amended to read:

231.62 Identification of critical teacher shortage areas.—

(1) As used in ss. 231.621, 240.4063, and 240.4064, the term “critical teacher shortage area” applies to mathematics, science, career education, and high priority location areas. 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 shall also consider 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 other critical teacher shortage areas. Such shortages must be certified to and approved by the State Board of Education. High priority location areas shall

be in high-density, low-economic urban schools and low-density, low-economic rural schools and 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.

Section 52. Subsections (1), (2), and (4) of section 231.621, Florida Statutes, are amended to read:

231.621 Critical Teacher Shortage Student Loan Forgiveness Program.—

(1) The Critical Teacher Shortage Student Loan Forgiveness Program is established ~~In order~~ to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages exist, as identified annually by the State Board of Education, ~~there is established the Critical Teacher Shortage Student Loan Forgiveness Program.~~ The primary function of the program is to make repayments towards loans received by students from federal programs or commercial lending institutions for the support of postsecondary education study. Repayments are intended to be made to qualified applicants who begin teaching for the first time in designated subject areas, and who apply during their first year of teaching as certified teachers in these subject areas.

(2) From the funds available, the Department of Education may ~~is authorized to~~ make loan principal repayments as follows:

(a) Up to \$2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(b) Up to \$5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, persons with graduate degrees certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall continue to be eligible for loan forgiveness as long as he or she continues to teach in the subject area for which the original loan repayment was made and otherwise meets all conditions of eligibility.

(4) The State Board of Education may ~~is authorized to~~ adopt rules pursuant to ss. 120.536(1) and 120.54, necessary for the administration of this program.

Section 53. Section 231.6215, Florida Statutes, is created to read:

231.6215 Student Fellowship Program.—

(1) The Student Fellowship Program is created to provide 2-year scholarship loans of \$6,500 per year to students who are residents of this state and who are rising juniors at a state community college, state university, or independent postsecondary education institution that is eligible to participate in the Florida Resident Access Grant or to education paraprofessional learning guides, as defined in s. 231.700(3), who are pursuing a bachelor's degree in order to become an associate teacher, as defined in s. 231.700(3).

(2) The Department of Education shall administer the program in cooperation with participating postsecondary education institutions.

(a) A student fellowship recipient shall participate in a 12-month program developed by the participating postsecondary education institution in consultation with the department.

(b) The recipient must receive intensive preparation in a content area combined with ongoing experience with school children through internships or working with a master teacher identified as a mentor.

(3) To continue to receive a fellowship, a student fellowship recipient must maintain satisfactory progress toward a baccalaureate degree at a participating postsecondary institution. The department shall set standards for satisfactory progress, which must exceed the standards required of other students majoring in education and which may include extracurricular activities related to the program.

(4) A recipient may receive a fellowship loan for 2 years. The department shall forgive the fellowship loan if, within 5 years after graduation, the recipient teaches full time for 3 years at a Florida public school or for 2 years at a Florida public school designated as performance grade category "D" or "F," pursuant to s. 229.57. The department shall also forgive a loan if it finds that the recipient cannot teach for the required number of years due to the death or permanent and total disability of the recipient or other extraordinary extenuating circumstances.

(5) If a student fellowship recipient does not graduate within 2 years, or if the recipient graduates but, within the first 5 years after graduation, does not fulfill the required employment as a teacher in a public school in this state, the fellowship recipient must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the fourth anniversary of the month in which the recipient receives a baccalaureate degree, or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the fourth anniversary of college graduation occurs or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the fellowship repayment must be contained in both a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is \$50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay all or any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months and may not exceed 12 consecutive months.

(6) All funds appropriated to or otherwise received by the Student Fellowship Program for scholarships, all funds received as repayment of scholarship loans, and all interest earned on these funds must be placed in a revolving fund within the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the fund at the end of any fiscal year which has been allocated to the Student Fellowship Program must remain in the fund and will be available for carrying out the purposes of this section. With the prior approval of the Legislature in the General Appropriations Act, the revolving fund may also be used for campus and summer program support and costs relating to disbursement of awards and the collection of loan repayments.

(7) This section shall be implemented to the extent specifically funded in the General Appropriations Act.

Section 54. Subsections (2) and (3) of section 231.625, Florida Statutes, are amended to read:

231.625 Teacher recruitment and retention.—

(2) The Department of Education shall ~~establish a teacher recruitment and retention services office which shall:~~

- (a) Advertise teacher positions in targeted states.
- (b) Advertise in major newspapers, national professional publications, and other professional publications and in schools of education.
- (c) Utilize state and nationwide toll-free numbers.
- (d) Develop standardized resumes for teacher applicant data.
- (e) Conduct periodic communications with district personnel directors regarding applicants.
- (f) Provide district access to the applicant database by computer or telephone.

- (g) Develop and distribute promotional materials related to teaching as a career.
- (h) Publish and distribute information pertaining to employment opportunities, application procedures, teacher certification, and teacher salaries.
- (i) Provide information related to ~~alternative~~ certification procedures.
- (j) Develop and sponsor the Florida Future Educator of America Program throughout the state.
- (k) Review and recommend to the Legislature and school districts incentives for attracting teachers to this state.

(3) The ~~Department of Education Office of Teacher Recruitment and Retention Services~~, in cooperation with district personnel offices, shall sponsor a job fair in a central part of the state to match in-state educators and out-of-state educators with teaching opportunities in this state.

Section 55. Subsections (2) and (4) of section 231.6255, Florida Statutes, are amended to read:

231.6255 Christa McAuliffe Ambassador for Education Program.—

(2) ~~There is established~~ The Christa McAuliffe Ambassador for Education Program is established to provide salary, travel, and other related expenses annually for an outstanding Florida teacher to promote the positive aspects of teaching as a career. The goals of the program are to:

- (a) Enhance the stature of teachers and the teaching profession.
- (b) Promote the importance of quality education and teaching for our future.
- (c) Inspire and attract talented people to become teachers.
- (d) Provide information regarding Florida's scholarship and loan programs related to teaching.
- (e) Promote the teaching profession within community and business groups.
- (f) Provide information to retired military personnel and other individuals who might consider teaching as a second career.
- (g) Work with and represent the ~~Department of Education Office of Teacher Recruitment and Retention Services~~, as needed.
- (h) Work with and encourage the efforts of school and district teachers of the year.

(i) Support the activities of the Florida Future Educator of America Program.

(j) Represent Florida teachers at business, trade, education, and other conferences and meetings.

(k) Promote the teaching profession in other ways related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

~~(4)(a) The Department of Education and the Office of Teacher Recruitment and Retention Services shall administer the program.~~

~~(a)(b)~~ The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

~~(b)(c)~~ The Ambassador for Education shall serve for 1 year, from July 1 to June 30, and shall be assured of returning to his or her teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 56. Paragraph (a) of subsection (2) and subsections (1) and (4) of section 231.63, Florida Statutes, are amended to read:

231.63 Florida Educator Hall of Fame.—

~~(1) The Florida Educator Hall of Fame is established. It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to education in this state.~~

~~(2)(a) There is hereby established the Florida Educator Hall of Fame. The Florida Educator Hall of Fame shall be located in an area on the Plaza Level of the Capitol Building.~~

~~(4) In the first year, the Commissioner of Education shall name no more than 10 members to the Florida Educator Hall of Fame. Thereafter, The Commissioner of Education shall name no more than four members to the Florida Educator Hall of Fame in any 1 year.~~

Section 57. Section 231.65, Florida Statutes, is repealed.

Section 58. Section 231.67, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 231.67, F.S., for present text.)

231.67 The Florida Teachers Lead Program Stipend.—

(1) Funding for the Florida Teachers Lead Program Stipend shall be as determined by the Legislature in the General Appropriations Act. Funds appropriated for the Florida Teachers Lead Program Stipend are provided to purchase classroom materials and supplies used in the instruction of students in kindergarten through grade 12 of the public school system. From the funds appropriated, the Commissioner of Education shall calculate an

amount for each school district by prorating the total of each school district's share of the total K-12 unweighted FTE student enrollment.

(2) From the funds allocated to each district, the district school board shall calculate an identical amount for each classroom teacher which is his or her proportionate share of the amount allocated to the district for the total number of teachers in the district. The district school board shall provide the funds no later than September 30 of each year directly to each teacher as a stipend to purchase, on behalf of the school district, classroom materials and supplies to be used in the instruction of students assigned to the teacher. Each teacher shall have sole discretion regarding which classroom materials and supplies best meet the needs of the students, when they are needed, and where they are acquired. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements. Disbursement of Florida Teachers Lead Program Stipend funds directly to each teacher shall complete the school district's expenditure of these funds.

(3) Each teacher shall sign a statement acknowledging receipt of the funds, agreeing to keep receipts to show the expenditure of the funds used to purchase classroom materials and supplies for use in the instruction of the students assigned to them, and agreeing to return any unused funds by the end of the regular school year. The statement to be signed and dated by each teacher for receipt of the Florida Teachers Lead Program Stipend shall include the wording: "I, ...(Name of teacher)..., am employed by the County District School Board as a full-time classroom teacher. I acknowledge that Florida Teachers Lead Program Stipend funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep receipts for all expenditures. I understand that if I do not keep receipts showing these funds were spent to purchase classroom materials and supplies for use with my students, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unused funds to the district school board at the end of the regular school year for deposit into the School Advisory Council account of the school at which I was employed at the time of the receipt of the funds."

(4) Florida Teachers Lead Program Stipend funds shall be provided to each teacher in addition to any other funds appropriated for public school operations.

(5) Any unused funds which are returned to the district school board shall be deposited into the School Advisory Council account of the school at which the teacher returning the funds was employed at the time of the receipt of the funds.

(6) For purposes of this section, the term "classroom teacher" includes certified teachers employed on or before September 1 of each year whose full-time job responsibility is the classroom instruction of students in kindergarten through grade 12, and full-time media specialists and guidance counselors who serve students in kindergarten through grade 12. Only school district personnel employed in these positions are eligible for the classroom

materials and supply stipend from funds appropriated to implement the provisions of this section.

Section 59. Section 231.700, Florida Statutes, is created to read:

231.700 Florida Mentor Teacher School Pilot Program.—

(1) The Legislature recognizes that high-quality teachers are essential to assuring excellence and increasing the achievement levels of all students. The purpose of this section is to provide a model to reform and improve the current structure of the teaching profession. There is created a Florida Mentor Teacher School Pilot Program to attract, retain, and motivate high-quality teachers. The program shall be implemented by the 2001-2002 school year. The pilot schools shall be selected by the Commissioner of Education no later than July 1, 2001. The commissioner shall select a combination of elementary, middle, and high schools representing small, medium, and large districts. Each approved school shall receive an equivalent grant based upon the number of schools selected by the Commissioner and the amount of the legislative appropriation. Each mentor teacher school program shall be approved based on criteria specified by the commissioner.

(2) The goals of the Florida Mentor Teacher School Pilot Program are to:

(a) Provide teachers with multiple career paths, beginning as education paraprofessionals and rising to associate teachers, teachers, lead teachers, and mentor teachers. The five levels must have highly differentiated duties. The mentor teacher shall have a reduced teaching schedule that permits weekly instruction to all students under the mentor teacher's supervision while also allowing for demonstration lessons, coaching, facilitating curriculum development, and providing staff development for other teachers at the school.

(b) Establish broad salary ranges to provide flexibility and to reward performance and to negotiate salaries to attract teachers to hard-to-staff schools and subjects. Advancement shall be determined by academic achievement, examination, demonstration, and student learning gains data. Each mentor teacher shall be eligible for a total annual salary incentive of up to twice the average district classroom teacher's salary. Fifty percent of the mentor teacher salary incentive shall be based on increased student achievement of students assigned to the supervision of the mentor teacher.

(c) Provide ongoing professional development for teachers to learn and grow professionally that includes a daily block of time for associate teachers, teachers, and lead teachers to reflect and plan and to interact with the mentor teacher.

(d) Provide all eligible teachers with the opportunity for national certification.

(e) Provide for a specified organizational pattern, such as clusters or teams of teachers for grade levels or subject areas comprised of associate teachers, teachers, and lead teachers who are supported by education paraprofessional learning guides and directed by a mentor teacher.

(3) The five teacher career development positions and minimum requirements are:

(a) Education paraprofessional learning guide.—An education paraprofessional learning guide must hold an associate degree from an institution of higher learning and must demonstrate appropriate writing, speaking, and computation skills.

(b) Associate teacher.—An associate teacher must hold a bachelor's degree from an institution of higher learning and a valid Florida professional teaching certificate as provided by s. 231.17.

(c) Teacher.—A teacher must hold a bachelor's degree or higher from an institution of higher learning and a valid Florida professional teaching certificate, have a minimum of 3 years' full-time teaching experience, document satisfactory teaching performance, and document evidence of positive student learning gains, when that data becomes available.

(d) Lead teacher.—A lead teacher must hold a bachelor's degree or higher from an institution of higher learning and a valid Florida professional teaching certificate, have a minimum of 3 years' full-time teaching experience, document exemplary teaching performance, and document evidence of significant positive student learning gains, when that data becomes available. A lead teacher shall provide intensive support for associate teachers and teachers.

(e) Mentor teacher.—A mentor teacher must hold a bachelor's degree or higher from an institution of higher learning and a valid Florida professional teaching certificate; have a minimum of 5 years' full-time teaching experience; document exemplary teaching performance; document evidence of significant positive student learning gains, when that data becomes available; hold a valid National Board for Professional Teaching Standards certificate; have been selected as a school, district, or state teacher of the year, or hold an equivalent status as determined by the commissioner; and demonstrate expertise as a staff developer.

(4) The Commissioner of Education may adopt rules, pursuant to ss. 120.536(1) and 120.54, for the implementation of this section and approval of the mentor teacher school program.

(5) This section shall be implemented to the extent specifically funded in the General Appropriations Act.

Section 60. Paragraph (m) of subsection (1) and subsection (3) of section 236.081, Florida Statutes, are 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:

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.**—The following procedure shall be followed in determining the annual allocation to each district for operation:

(m) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district appropriated for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated performance grade category “D” or “F” who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(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. ~~231.600~~ ~~236.0811~~. This percentage shall remain constant and shall be calculated by dividing \$6 by the 1990-1991 base student allocation. At least two-thirds of the funds so determined shall be expended as provided in s. 231.600, and such funds may be used for implementation of the demonstration of professional education competence program as provided in 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 inservice 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 61. Paragraphs (a) and (d) of subsection (2) of section 236.08106, Florida Statutes, are amended to read:

236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The

Department of Education shall distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the 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 incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education to the NBPTS on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, ~~but not more than \$1,800 per eligible participant.~~ The fee subsidy is a one-time award and may not be duplicated for any individual.

(d) An annual bonus equal to 10 percent of the prior fiscal year's state-wide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state district who do not hold NBPTS certification. 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 the regular school day or during the 196 days of required service for the school year.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

Section 62. Section 236.0811, Florida Statutes, is repealed.

Section 63. Subsections (1), (2), and (10), paragraph (a) of subsection (3), and paragraphs (b), (e), and (f) of subsection (4) of section 240.529, Florida Statutes, are amended to read:

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

(1) INTENT.—The Legislature recognizes that skilled teachers make an important contribution to a system that allows students to obtain a high-quality education. The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state education goals; help the state's diverse student population, including students with limited English proficiency, students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system of school improvement and education accountability established pursuant to ss. 229.591 and 229.592. To further this intent, the Commissioner of Education shall appoint a Teacher Preparation Program Committee for the purpose of establishing core curricula in each state-approved teacher preparation program. The committee shall consist of representatives from presidents of public and private colleges and universities, deans of colleges of education, presidents of community colleges, district school superintendents, and high-performing teachers. The curricula shall be focused on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards, with a clear emphasis on the importance of reading at all grade levels. The committee shall report its recommendations to the State Board of Education by January 1, 2000, and at that time may be dissolved. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54, that establish uniform core curricula for each state-approved teacher preparation program and shall use this report in the development of such rules.

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system developed by the Department of Education in collaboration with institutions of higher education shall 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 must be designed to assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission has 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, as well as performance measures. Departments and colleges of education shall emphasize make every attempt to secure priority funding for teacher preparation programs and courses emphasizing the state system of school improvement and education accountability concepts and standards, including Sunshine State Standards. State-approved teacher preparation programs must incorporate appropriate English for Speakers of Other Languages instruction so that program graduates will have completed the requirements for teaching limited English proficient students in Florida public schools.

(3) INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process based on standards adopted pursuant to subsection (2) must be established for postsecondary teacher preparation programs, phased in according to timelines determined by the Department of Education, and fully implemented for all teacher preparation programs in the state. Each program shall be approved ~~choose one of the following options:~~

1. ~~An approval process that incorporates those provisions and requirements necessary for recognition by the National Council for the Accreditation of Teacher Education and that provides for joint accreditation and program approval review by the state and the National Council for the Accreditation of Teacher Education for those units seeking initial or continuing accreditation. The approval process must be consistent with the intent set forth in subsection (1); or~~

2. ~~An alternative program approval process developed by the department. This alternative approval process must be consistent with the intent set forth in subsection (1) and based primarily upon significant, objective, and quantifiable graduate performance measures. This approval process may not be based on National Council for the Accreditation of Teacher Education provisions and requirements.~~

~~For purposes of this section, the term "unit" is defined by the National Association for the Accreditation of Teacher Education and means the college, school, department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel. The term "program" is defined by the State Board of Education and means a set of courses, activities, or other experiences designed to help individuals develop the competencies required for a specified type of certification coverage.~~

(4) CONTINUED PROGRAM APPROVAL.—Notwithstanding 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 document the continuous improvement of program processes and graduates' performance.

(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 emphasize instruction in outcome measures of student performance in the areas of 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, improving the performance of students who have traditionally failed to meet student achievement goals and have been overrepresented in school suspensions and other disciplinary actions, and Program evaluation procedures must include, but are need not be limited to, program graduates' satisfaction with instruction training and the program's unit'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 institutions of higher education, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. By January 1 of each 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 postsecondary institution that has 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 public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(e) Beginning July 1, 2000, continued approval of teacher preparation programs is contingent upon compliance with the student admission requirements of subsection (3) and upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program. 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.

(f)1. Beginning with the 2000-2001 academic year, each Florida public and private institution that offers a state-approved teacher preparation program ~~in this state~~ 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 conforms with definitions and methods proposed by the Education Standards Commission, 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. Beginning with the 2001-2002 academic year, 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. Satisfaction ratings required in paragraph (e).

2. Beginning with the 2001-2002 academic year, 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 vocational credit, 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 proposed by the Education Standards Commission. This information must include, at a minimum:

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

b. Satisfaction ratings of graduates' employers.

This information shall be reported through publications, including such as college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(10) RULES.—The State Board of Education shall adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 64. Based on recommendations of a task force appointed by the Commissioner of Education, the State Board of Education shall adopt rules for speech-language services to school districts that qualify for the sparsity supplement as described in s. 236.081(6), F.S. These services may be provided by baccalaureate degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher. By October 1, 2003, these rules shall be reviewed by the State Board of Education.

Section 65. Paragraphs (a) and (e) of subsection (3) of section 240.4063, Florida Statutes, are amended to read:

240.4063 Florida Teacher Scholarship and Forgivable Loan Program.—

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded public elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this subsection a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(e) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 240.451 and 240.465. A forgivable loan must be repaid within 10 years of completion of a program of studies.

1. Credit for repayment of an undergraduate or graduate forgivable loan shall be in an amount not to exceed \$4,000 in loan principal plus applicable accrued interest for each full year of eligible teaching service. However, credit in an amount not to exceed \$8,000 in loan principal plus applicable accrued interest shall be given for each full year of eligible teaching service completed at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the State Board of Education.

2. Any forgivable loan recipient who fails to teach in a publicly funded public elementary or secondary school in this state as specified in this subsection is responsible for repaying the loan plus accrued interest at 8 percent annually.

3. Forgivable loan recipients may receive loan repayment credit for teaching service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.

Section 66. This act shall take effect July 1, 2000.

Approved by the Governor June 15, 2000.

Filed in Office Secretary of State June 15, 2000.