

Council Substitute for
Committee Substitute for House Bill No. 1193

An act relating to education; amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for

attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

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

Section 1. Paragraph (k) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

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

(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:

(k) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116, students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. During 1997-1998, a maximum of 40 students in each participating school district is authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district is authorized to generate full-time equivalent student membership in the pilot program. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated performance grade category "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate 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.

Section 2. Paragraph (a) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(a) Eligibility of member to participate in the DROP.—All active Florida Retirement System members in a regularly established position, and all active members of either the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122 which systems are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in the DROP provided that:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP ~~for~~ or the 60-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 228.041(9)(a)-(d), election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

Section 3. Paragraph (d) of subsection (9) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—“Instructional personnel” means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(d) Other instructional staff.—Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 231.1726, and similar positions.

Section 4. Paragraph (a) of subsection (5) 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 instructional institutional positions at the school level must consider nominations received from school principals of the respective schools. Before transferring a teacher who holds a professional teaching certificate from one school to another, the superintendent shall consult with the principal of the receiving school and allow the principal to review the teacher's records and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought. 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.

(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.~~

~~e.—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 to improve student performance in schools that receive a performance grade category designation of "D" or "F."

Section 5. Section 231.095, Florida Statutes, is amended to read:

231.095 Teachers assigned teaching duties outside field; notification requirements.—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, as determined by district school board policy in the subject area to be taught, the parents or guardians of all students in the class shall be notified in writing of such assignment.

Section 6. 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 the teacher with the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide students with high-quality instructional services. Each district school board shall contact its regional workforce board, created pursuant to

s. 445.007, to identify resources that may assist teachers who are teaching out-of-field and who are pursuing certification.

Section 7. Subsection (2) of section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—

(2) Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid ~~part-time, temporary, or professional certificate~~ or an athletic coaching certificate. The athletic coaching certificate may be used for either part-time or full-time positions. The provisions of this subsection do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district of this state.

Section 8. Subsection (6) and paragraph (b) of subsection (7) of section 231.17, Florida Statutes, are amended to read:

231.17 Teacher certification requirements.—

(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 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this ~~the 1 calendar year~~ time period if the individual ~~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 non-public school.

(7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY PROGRAM.—

(b) Until July 1, 2002, each school district may ~~use 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. Any program approved for use in a school district may be adopted and implemented by a school district other than the school district that developed the program. A district school board choosing to adopt an alternative certification program approved for another school district shall provide written notification of such action to the department. However, any modifications to an approved program shall be submitted to the department for approval. 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. 231.600 and 236.081 to implement the provisions of this paragraph. The department must approve programs and systems developed to demonstrate professional preparation and education competence authorized by this paragraph.

Section 9. Section 231.1726, Florida Statutes, is created to read:

231.1726 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, and 231.17, or any other provision of law or rule to the contrary, district school boards may issue an adjunct teaching certificate to any applicant who fulfills the requirements of s. 231.17(2)(a)-(f) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant has at least a minor in the subject area or demonstrates sufficient subject area mastery as determined by school board policy. The adjunct teaching certificate shall be used for part-time teaching positions. The intent of this provision is to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates. Adjunct certificateholders should be used as a strategy to reduce the teacher shortage, thus, adjunct certificateholders should supplement a school's instructional staff, not supplant it. Each school principal shall assign an experienced peer mentor to assist the adjunct teaching certificateholder during the certificateholder's first year of teaching and an adjunct certificateholder may participate in a district's new teacher training program. District school boards shall provide the adjunct teaching certificateholder an orientation in classroom management prior to assigning the certificateholder to a school. Each adjunct teaching certificate is valid for 5 school years and is renewable if:

(a) The applicant completes a minimum of 60 inservice points or 3 semester hours of college credit. The earned credits must include instruction in classroom management, district school board procedures, school culture, and other activities that enhance the professional teaching skills of the certificateholder.

(b) The applicant has received satisfactory performance evaluations during each year of teaching under adjunct teaching certification.

(2) Individuals who are certified and employed pursuant to this section shall have the same rights and protection of laws as teachers certified pursuant to s. 231.17.

Section 10. Paragraphs (a) and (c) of subsection (1) and subsection (4) of section 231.262, Florida Statutes, are amended, a new subsection (5) is added to said section, present subsection (5) of said section is renumbered and amended, and present subsections (6) through (8) of said section are renumbered as subsections (7) through (9), respectively, 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 filed before it or 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 (7) ~~(6)~~. The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 231.2615. 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.

(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop policies and procedures to comply with this reporting requirement. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the superintendent of schools of each legally sufficient complaint. The superintendent of schools is charged with knowledge of these policies and procedures. If the superintendent of schools has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the superintendent of schools shall be subject to penalties as specified in s. 230.33(13). This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(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, 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 ~~(6)~~ (5), the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such 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.

(5) When deemed necessary to protect the health, safety, and welfare of a minor student, the superintendent of schools in consultation with the school principal may, and upon the request of the Commissioner of Education shall, temporarily suspend a certificateholder from the certificateholder's regularly assigned duties, with pay, and reassign the suspended certificateholder to a position that does not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 231.2615.

(6)(5) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) (6) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

Section 11. Paragraph (a) of subsection (1) of section 231.36, Florida Statutes, is amended, and paragraph (g) is added to subsection (3) of said section, to read:

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

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or s. 231.1726 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(3)

(g) Beginning July 1, 2001, for each employee who enters into a written contract, pursuant to this section, in a school district in which the employee was not employed as of June 30, 2001, for purposes of pay a school board must recognize and accept each year of full-time teaching service for which the employee received a satisfactory performance evaluation. This provision is not intended to interfere with the operation of a collective bargaining agreement except to the extent it requires the agreement to treat years of teaching experience out of the district the same as years of teaching experience within the district. Instructional personnel employed pursuant to s. 121.091(9)(b)3. are exempt from the provisions of this paragraph.

Section 12. Subsections (5) and (6) of section 231.6135, Florida Statutes, are 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 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:

(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 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. Regional educational consortia as defined in s. 228.0857 satisfy the requirements of this subsection.

(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. Regional educational consortia as defined in s. 228.0857 which serve rural areas of critical economic concern are exempt from the funding match required by this subsection.

Section 13. Subsection (2) of section 231.625, Florida Statutes, is amended to read:

231.625 Teacher recruitment and retention.—

(2) The Department of Education shall:

(a) Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state ~~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.~~

~~(d)(e)~~ Conduct periodic communications with district personnel directors regarding applicants.

~~(e)(f)~~ Provide district access to the applicant database by computer or telephone.

(f)(g) Develop and distribute promotional materials related to teaching as a career.

(g)(h) Publish and distribute information pertaining to employment opportunities, application procedures, teacher certification, and teacher salaries.

(h)(i) Provide information related to certification procedures.

(i)(j) Develop and sponsor the Florida Future Educator of America Program throughout the state.

(j) Develop, in consultation with school district staff including, but not limited to, superintendents, school board members, and district human resources personnel, a long-range plan for educator recruitment and retention. The plan shall be submitted to the Legislature, the Governor, and school districts no later than August 1, 2001.

~~(k) Identify best practices for retaining high-quality teachers Review and recommend to the Legislature and school districts incentives for attracting teachers to this state.~~

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and 20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention. The plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and each school district no later than August 1, 2001.

Section 14. Paragraphs (b) through (e) of subsection (3) of section 231.700, Florida Statutes, are amended to read:

231.700 Florida Mentor Teacher School Pilot Program.—

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

(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~~ become ~~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~~ become ~~becomes~~

available. A lead teacher shall provide intensive support for associate teachers and teachers.

(e) Mentor teacher.—A mentor teacher must:

1. Hold a bachelor's degree or higher from an institution of higher learning and a valid Florida professional teaching certificate.;
 2. Have a minimum of 5 years' full-time teaching experience.;
 3. Document exemplary teaching performance.;
 4. Document evidence of significant positive student learning gains, when that data become ~~becomes~~ available.;
 5. Hold a valid National Board for Professional Teaching Standards certificate; have been selected as a school, district, or state teacher of the year.;
- ~~and~~
6. Demonstrate expertise as a staff developer.

Section 15. Paragraph (d) of subsection (2) of section 236.08106, Florida Statutes, is 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:

(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 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 student contact time ~~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 at 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 16. Subsection (10) of section 231.261, Florida Statutes, is amended to read:

231.261 Education Practices Commission; organization.—

(10) The commission shall be financed from the following: certification fees; fines, penalties, and costs collected pursuant to s. 231.262~~(9)(8)~~; and general revenue.

Section 17. Paragraph (f) of subsection (3) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(3) STANDARDS.—

(f) All staff must meet the following minimum requirements:

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Children and Family Services to include the following areas: state and local rules that govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate

knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

5. All personnel who are not certified under s. 231.17 or s. 231.1726 must comply with screening requirements under s. 231.02.

Section 18. 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 periodically perform a criminal history record check on individuals who hold a certificate pursuant to s. 231.17 or s. 231.1726.

Section 19. Subsection (1) of section 231.1725, Florida Statutes, is amended to read:

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

(1) Notwithstanding ss. 231.02, 231.15, ~~and 231.17~~, and 231.1726, 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.

Section 20. Subsection (1) of section 231.471, Florida Statutes, is amended to read:

231.471 Part-time teachers.—

(1) District school boards may hire certified and qualified personnel as provided in ss. s. 231.1725 and 231.1726 to teach a specified number of periods, which may be less than a full school day or less than a full school year.

Section 21. Paragraph (a) of subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)(a) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17 or s. 231.1726, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.

2. Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the Commissioner of Education.

3. Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes.

Section 22. Subsection (10) of section 240.529, Florida Statutes, is re-numbered as subsection (11) and a new subsection (10) is added to said section to read:

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

(10) TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.—Pilot teacher preparation programs shall be established at the University of Central Florida, the University of North Florida, and the University of South Florida. These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. Students chosen to participate in the pilot programs shall agree to teach for at least 1 year after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student has demonstrated mastery of general knowledge pursuant to s. 231.17(2)(g). The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the university teacher preparation program.

(a) Each pilot program shall be designed to include:

1. A year-long paid teaching assignment at a specified school site during the fourth year of the university teacher preparation program, which includes intense supervision by a support team trained in clinical education. The support team shall include a university supervisor and experienced school-based mentors. A mentor teacher shall be assigned to each fourth year employed teacher to implement an individualized learning plan. This mentor teacher will be considered an adjunct professor for purposes of this program and may receive credit for time spent as a mentor teacher in the program. The mentor teacher must have a master's degree or above, a minimum of 3 years of teaching experience, and clinical education training or certification by the National Board of Professional Teaching Standards. Experiences and instruction may be delivered by other mentors, assigned teachers, professors, individualized learning, and demonstrations. Students in this paid teaching assignment shall assume full responsibility of all teaching duties.

2. Professional education curriculum requirements that address the educator-accomplished practices and other competencies specified in state board rule.

3. A modified instructional delivery system that provides onsite training during the paid teaching assignment in the professional education areas and competencies specified in this subsection. The institutions participating in this pilot program shall be given a waiver to provide a modified instructional delivery system meeting criteria that allows earned credit through nontraditional approaches. The modified system may provide for an initial evaluation of the candidate's competencies to determine an appropriate individualized professional development plan and may provide for earned credit by:

- a. Internet learning and competency acquisition.
 - b. Learning acquired by observing demonstrations and being observed in application.
 - c. Independent study or instruction by mentor teachers or adjunct teachers.
 4. Satisfactory demonstration of the educator-accomplished practices and content area competencies for program completion.
 5. For program completion, required achievement of passing scores on all tests required for certification by State Board of Education rules.
- (b) Beginning in July 2003, each institution participating in the pilot program shall submit to the Commissioner of Education an annual report evaluating the effectiveness of the program. The report shall include, but shall not be limited to, the number of students selected for the pilot program, the number of students successfully completing the pilot program, the number of program participants who passed all required examinations, the number of program participants who successfully demonstrated all required competencies, and a followup study to determine the number of pilot program completers who were employed in a teaching position and employers' satisfaction with the performance of pilot program completers.
- (c) This subsection shall be implemented to the extent specifically funded in the General Appropriations Act.

Section 23. This act shall take effect July 1, 2001.

Approved by the Governor May 16, 2001.

Filed in Office Secretary of State May 16, 2001.