

CHAPTER 2021-228

Committee Substitute for House Bill No. 1159

An act relating to education; authorizing a parent or guardian to request that his or her K-5 student be retained in a grade level for academic reasons for a specified school year; requiring that such a request be submitted in a specified manner; requiring school principals to consider such requests if they are timely received; authorizing school principals to consider requests that are not timely received; requiring a school principal who considers a request for retention to inform the student's teachers of the request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request; requiring such discussion to disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports; authorizing the principal, teachers, and parent or guardian to collaborate to develop a customized 1-year education plan for the student in lieu of retaining the student; requiring a parent's or guardian's decision regarding retention to control; requiring a parent or guardian to sign a form provided by the principal indicating the parent or guardian's decision and acknowledging the academic and athletic ramifications of their decision; requiring such form to be retained in the student's record; requiring the individual education plan (IEP) team for a retained student to review and revise the student's IEP, as appropriate; requiring school districts to report certain data to the department by a specified date; amending s. 1004.04, F.S.; amending s. 1012.34, F.S.; requiring the Commissioner of Education to provide learning growth data calculated in accordance with a certain formula to each school district by a specified date each year; requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; requiring that certain teacher preparation programs require students to demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation; deleting a provision authorizing a teacher preparation program to waive certain admissions requirements for up to 10 percent of admitted students; amending s. 1004.85, F.S.; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegree teachers of career programs; requiring additional specified strategies be demonstrated before approval; amending s. 1012.39, F.S.; revising the minimum qualifications for part-time and full-time nondegree teachers of career programs; amending s. 1012.56, F.S.; revising the acceptable means of demonstrating mastery of general knowledge to include documentation of receipt of a master's or higher degree from certain postsecondary institutions; revising the criteria for the Department of Education to issue a professional certificate; amending s. 1012.575, F.S.; expanding the entities authorized to design alternative teacher preparation programs; amending s. 1012.986, F.S.; defining the

term “educational leader”; providing that the William Cecil Golden Professional Development Program for School Leaders must consist of a network of specified entities; revising the goals of the program; requiring the department to also offer program components through university or educational leadership academies and through educational leadership coaching and mentoring; making technical changes; providing an effective date.

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

Section 1. Notwithstanding s. 1008.25, Florida Statutes, a parent or guardian may request that his or her K-5 public school student be retained for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year, provided that such request is made for academic reasons.

(1) A parent or guardian who wishes for his or her student to be retained as provided by this act must submit, in writing, to the school principal a retention request that specifies the academic reasons for the retention. Only requests received by the principal on or before June 30, 2021, must be considered. A principal may consider a request received after that date at his or her discretion.

(2)(a) A principal who considers a retention request submitted pursuant to this subsection shall inform the student’s teachers of the retention request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request. As part of the discussion with the parent or guardian, the principal shall disclose that retention may impact the student’s eligibility to participate in high school interscholastic or intrascholastic sports due to the student’s age.

(b) In lieu of retention, the principal, teachers, and parent or guardian may collaborate to develop a customized 1-year education plan for the student with the intent of helping the student return to grade level readiness by the end of the next academic year. Such plan may include, but need not be limited to, supplemental educational support, services, and interventions; summer education; promotion in some, but not all, courses; and midyear promotion.

(c) The parent’s or guardian’s decision to promote or retain his or her student after discussing the retention request with the principal shall control. The parent or guardian must sign a form provided by the principal indicating the parent or guardian’s decision and acknowledging the academic and athletic ramifications of his or her decision. This form must be retained in the student’s record.

(3) If a student retained under this subsection has an individual education plan (IEP) in effect, the student’s IEP team must convene to review and revise the student’s IEP, as appropriate.

(4) By June 30, 2022, school districts shall report to the Department of Education the number of students retained pursuant to this act for all or part of the 2021-2022 school year.

Section 2. Paragraph (a) of subsection (7) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. A third party, independent of the assessment developer, must analyze student learning growth data calculated using the formula and provide access to a data visualization tool that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders. The formula must take into consideration each student’s prior academic performance. The formula must not set different expectations for student learning growth based upon a student’s gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student’s attendance record, disability status, or status as an English language learner. The commissioner may select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. By July 31 of each year, the commissioner shall provide to each school district the student learning growth data calculated using the formula.

Section 3. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 1004.04, Florida Statutes, are amended to read:

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

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas.
2. The use of state-adopted content standards to guide curricula and instruction.

3. Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. Strategies to differentiate instruction based on student needs.

8. The use of character-based classroom management.

9. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.

10. Strategies to support the use of technology in education and distance learning.

(3) INITIAL STATE PROGRAM APPROVAL.—

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

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

2. Demonstrate mastery of general knowledge ~~sufficient for entry into the program~~, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education.

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

~~requirements for certification and shall annually report to the Department of Education the status of each candidate admitted under such a waiver.~~

Section 4. Paragraph (a) of subsection (2) and paragraphs (a) and (b) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional development for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

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

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.

b. The use of state-adopted student content standards to guide curriculum and instruction.

c. Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. Strategies to differentiate instruction based on student needs.

h. The use of character-based classroom management.

i. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.

j. Strategies to support the use of technology in education and distance learning.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools, under the supervision of qualified educators.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility in the certification subject area of the educational plan and meet the requirements of s. 1012.56(2)(a)-(f).

2. Participate in coursework and field experiences that are appropriate to his or her educational plan prepared under paragraph (a).

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 5. Paragraph (c) of subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of career programs. Qualifications shall be established for nondegreed teachers of career and technical education courses for program clusters that are recognized in the state and are 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. 1012.32. 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. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.

c. Completion of career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the Department of Education pursuant to s. 1004.85.

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 an accredited or approved institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

f. Documentation of industry certification when state or national industry certifications are available and applicable.

Section 6. Subsection (3) and paragraph (a) of subsection (7) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on the general knowledge examination required by state board rule;

(b) Documentation of a valid professional standard teaching certificate issued by another state;

(c) Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education;

(d) Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program; ~~or~~

(e) Achievement of passing scores, identified in state board rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination. Passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examinations; or

(f) Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the Department of Education has identified as having a quality program resulting in a baccalaureate degree or higher.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System institutions.

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).
2. For a professional certificate covering grades 6 through 12:
 - a. Meets the applicable requirements of paragraphs (2)(a)-(h).
 - b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.
 - c. Teaches a high school course in the subject of the advanced degree.
 - d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.
 - e. Achieves a passing score on the Florida professional education competency examination required by state board rule.
3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c) or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs ~~the program~~ and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. 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 were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to s. 1012.56(8). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority

of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 7. Section 1012.575, Florida Statutes, is amended to read:

1012.575 Alternative preparation programs for certified teachers to add additional coverage.—A district school board, or an organization of private schools or a consortium of charter schools with an approved professional development system as described in s. 1012.98(6), may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 8. Subsections (1) and (2) of section 1012.986, Florida Statutes, are amended to read:

1012.986 William Cecil Golden Professional Development Program for School Leaders.—

(1) There is established the William Cecil Golden Professional Development Program for School Leaders to provide high-quality ~~high~~ standards and sustained support for educational principals as instructional leaders. For purposes of this section, the term “educational leader” means teacher leaders, assistant principals, principals, or school district leaders. The program shall consist of a collaborative network of school districts, state-approved educational leadership programs, regional consortia, charter management organizations, and state and national professional leadership organizations to respond to educational ~~instructional~~ leadership needs throughout the state. The network shall support the human-resource development needs of educational leaders ~~principals, principal leadership teams, and candidates for principal leadership positions~~ using the framework of leadership standards adopted by the State Board of Education, ~~the Southern Regional Education Board, and the National Staff Development Council.~~ The goal of the network leadership program is to:

(a) Provide resources to support and enhance the roles of educational leaders ~~principal’s role as the instructional leader~~.

(b) Maintain a clearinghouse and disseminate data-supported information related to the continued enhancement of enhanced student achievement and learning, civic education, coaching and mentoring, mental health awareness, technology in education, distance learning, and school safety, based on educational research and best practices.

(c) ~~Build the capacity to~~ Increase the quality and capacity of educational leadership development programs for ~~preservice education for aspiring~~

~~principals and inservice professional development for principals and principal leadership teams.~~

(d) Support evidence-based leadership ~~best teaching and research-based instructional~~ practices through dissemination and modeling at the pre-service and inservice levels for educational leaders ~~both teachers and principals.~~

(2) The Department of Education shall coordinate through the network identified in subsection (1) to offer the program components through multiple delivery systems, including:

- (a) Approved school district training programs.
- (b) Interactive technology-based instruction.
- (c) Regional consortium service organizations pursuant to s. 1001.451.
- (d) State, regional, university, or local educational leadership academies.
- (e) Educational leadership coaching and mentoring.

Section 9. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.