



2010 Legislative Briefing

FOR THE DUVAL COUNTY PUBLIC SCHOOLS

Report No. 3

MILLER CONSULTING GROUP

March 21, 2010

REPORT INFORMATION

This is a report of the 2010 Legislative Session. The LEGISLATIVE BRIEFING is provided periodically during the regular session of the Florida Legislature.

Martin Miller

THIRD WEEK OF SESSION

This week, both houses took action on their respective High School Standards bills (**SB 4** and **HB 7053**) in preparation for consideration by the full House and Senate. In addition, committees in both houses heard well over a dozen education bills and passed all of them.

In addition, appropriations bills were heard and passed in the House Education Appropriations Committee and the Senate Pre K – 12 Appropriations Committee. There were slight changes from the numbers we received the previous week and some changes in provisions contained in the conforming bills.

BUDGET

Both the House and Senate released details of their respective appropriations bills as well as their conforming bills.

There were few surprises – the Senate bill would provide a statewide increase of per student FEFP of .22% while the House would provide a statewide reduction per student of .45%. Last week, The House reduction was greater. Their reduction last week was estimated to be at around \$50 per student while this week it is only about \$31 per student decrease.

It is unclear how Duval would fare under the Senate plan. However, under the House plan we would be reduced by .12%. Presumably we would

have a better budget under the Senate plan but some estimates place us at a greater reduction than in the House. We are still studying the impact.

The conforming bills are basically the same as they were last week except the Senate removed its reduction of school board members' salaries it had included in its first draft and allowed them to remain the same as this year. Elected Superintendents' salaries also would not be cut further. They were cut 5% last year.

I will update the information after the bills pass their respective full appropriations committees this week.

LEGISLATION

Major bills moved closer this week to full consideration by the respective houses. The Corporate Tax Scholarship bill, **SB 2126**, passed easily in the Senate Ways and Means Committee partially along partisan lines. The sponsor of the bill, Sen. Negron was very defensive as he was questioned by other committee members about the scholarship's lack of achievement data and cost to the General revenue. He responded that UF had conducted a study to show students in the scholarship schools did as well as public school students in the same cohort and defended the cost by repeating the line we have heard for two years that the program saves money.

SB 6, the Teacher Quality bill underwent major surgery in the Senate Education Committee and in the Senate Ways and Means Committee. The bill was amended to delete the tax increase penalty, allow a teacher's assessment to consider three years of student gains instead of the one year of gains, and to establish a 5% Performance Fund as an incentive for districts for development of EOC's, development of new performance pay plans, and to pay for performance pay adjustments. Any money remaining at the end of each year

would revert back to the General Fund. If a district does not comply with the requirements under the law, the district will have the 5% fund deducted from its FEFP.

Under the amended SB 6, pay adjustments would be determined by the performance assessment as opposed to strictly learning gains. It is unclear if experience can be used to establish base pay because of conflicting provisions in the bill.

The contract provisions in the bill were amended to include three years of performance ratings, two of which must be Effective or Highly Effective, to determine a teacher's eligibility for an annual contract.

An updated chart is included in this report. The chart reflects the amendments made at the end of the week. Changes regarding the three years of data were made at the beginning of the week and are not underlined.

SB 4 was amended in committee to clarify that EOC's would impact the ability to earn credit but not the grade in the course. Three of us met with the committee chair, Sen. Detert, on Friday to discuss other amendments.

Other Bills Passed in Committee

SB 206 – Encourages districts to schedule an “Academic Scholarship Signing Day.”

SB 434 – Suicide Prevention: The bill requires districts to make available to teachers and administrators resource and training materials on suicide prevention.

SB 896 – Diabetes: The bill requires districts to train at least three persons in every school that has a child with diabetes and every bus driver who has a student being transported who has diabetes. The training would include performing blood tests and administering injections. Trained personnel must be available also at every extracurricular activity at which a student with diabetes may be present.

SB 820 – Fine Arts: The bill was amended in committee to require achievement in fine arts courses in which students are enrolled to be counted toward High School grading.

SB 1074 – Fire Safety: The bill requires new fire safety standards, reduces the number of required inspections from two to one, and increases training requirements for local school district inspectors.

HB 45 – Pancreatic Enzyme Supplements: The bill would authorize students at risk for pancreatic insufficiency or diagnosed with cystic fibrosis to use a prescribed supplement in school.

HB 467 – Teen Dating and Violence: The bill requires inclusion in our health curriculum a teen violence and abuse component. The DOE is to adopt a model policy for districts by January 1, 2011.

HB 603 – Juvenile Acts: The bill requires bus drivers and paraprofessionals to be notified along with the Superintendent, principal, and transportation director when a child is charged with a felony or delinquent act.

HB 1287 – Incentives for Excellence: The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement to submit a report to the DOE with regard to participation in accelerated courses by represented students. It also lifts the cap of \$2000 that a teacher of the accelerated courses may earn in bonuses based on eligible scores on exams. The district must expend 100% of the earned weight factor in the FEFP on the bonuses and administration of the tests.

HB 1505 – McKay Scholarships: The bill allows entering kindergarten students to participate in the scholarship program. It also allows students who was enrolled in any previous year to qualify for a scholarship. Parents may remove a child from a private school receiving scholarship money if the parent and a doctor attest that it is in the best interest of the child and school to move the child. The school must provide case worker services.

HB 1569 – Charter School: The bill requires an OPPAGA study comparing charter school funding, including capital outlay, to traditional school funding. The bill also provides more flexibility for the use of capital dollars for charter schools and sets criteria for High Performing Charter School status. The bill also tightens some financial requirements as well as personnel administration requirements.

HB 1619 – Food Service: The bill would encourage school food services to purchase fresh products from Florida farmers, especially those foods with maximum nutritional benefits.

HB 31 – Inspirational Message: A committee substitute would prohibit discouraging or inhibiting the delivery of messages given by

students and would prohibit encouraging messages given by students at a noncompulsory activity. School boards and administrators would be prohibited from taking any affirmative action that infringes on the rights of individuals under the U. S. Constitution.

HB 1085 – Career Education: The bill was amended to clarify topics to be included in career exploration in the middle grades.

Retirement Bills

Retirement bills are beginning to reveal what issues will be amended this year. **HB 1319** is a poorly written bill that contains some hint of where the Legislature is headed this year. A Senate bill will roll out soon.

Right now, we believe that DROP will be eliminated, **including for current members**, effective July 1. Those already in DROP would not be affected. We also believe that requiring current as well as new members to contribute toward their retirement will be considered. For new employees, we believe the defined contribution (investment plan) will be the only option, and the normal retirement age for these persons will be age 65 or 33 years. This past week a vote was taken to remove the health insurance subsidy of \$150 monthly from current and future retirees.

Addenda:

Teacher Quality Chart, next page

If you have any questions or comments, please let me know. I can be reached at my e mail address below.

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TEACHER QUALITY
CSCSSB 6 as Amended 3/15, 18, 19/10

Martin Miller, MCG
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 3/20/10

(Amendments shown with strike-through's and underlines)

Senate – CSCSSB 6	
<p><u>Section 1</u> 39.202 (lines 181 – 191)</p>	<p>Provides that confidential records in cases of child abuse may be accessed by employees or agents of the DOE responsible for the investigation or prosecution of misconduct by educators.</p>
<p><u>Section 2</u> 200.065 (lines 196 – 262)</p>	<p><u>Notice of Tax Increase</u> (Deleted and replaced with Performance Fund in section 18.)</p> <p>Sets the notice for a proposed tax increase by school districts who “violated the law and failed to adopt a salary schedule that compensates classroom teachers or school-based administrators on the basis of student performance rather than years worked;” failed to comply with the differentiated pay requirements; failed to adopt EOC assessments to identify student instructional needs, verify what students have learned, or evaluate the performance of classroom teachers or school-based administrators; or failed to comply with contracting requirements for classroom teachers.</p> <p>The notice reports to the public that the district has had FEFP withheld and that the taxes are for the purpose of restoring funds to the district.</p>
<p><u>Section 2</u> 447.403 (lines 192 – 229)</p>	<p><u>Resolution of Impasses</u></p> <p>Repeals the special impasse procedures for MAP impasse.</p>
<p><u>Section 3</u> 1002.33 (lines 229 – 328)</p>	<p><u>Charter School Statutory Exemptions</u></p> <p>Prohibits charter schools from awarding PSC to classroom teachers hired on or after July 1, 2010. Also requires, beginning with 2014-15, charter schools must adopt a salary schedule <u>for instructional personnel and school-based administrators based on performance. Adjustments on the schedule must be based on performance demonstrated under 1012.34. (Similar to requirements for public schools under the amendment.)</u> which bases more than 50% of each employee’s compensation on learning gains as measured by state assessments (s. 1008.22), accelerated course assessments, industry certification, school-district assessments required under 1008.222, or charter school assessments. Length of service or degrees held by the classroom teacher or school-based administrator may not be used as a factor. (line 240)</p> <p>Charter schools are required to <u>administer assessments that comply with 1008.222 or use its own assessments that comply with 1008.222.</u> adopt and implement EOC’s and</p>

	<p>meet the requirements of 1008.222 w/r to district or charter assessments. Charter schools must adopt a performance appraisal system that complies with 1012.34. (line 250)</p> <p>Repeals the provision that charter schools shall receive 100% of the funds awarded to that school under 1012.225. (line 293)</p> <p><u>Effective 11-12, the Commissioner shall calculate and distribute funds from the Performance Fund in 1011.626 to charter schools in the same manner as for school districts. Charter schools must comply with 1011.626(5) w/r to use of the funds for salary schedule, implementation of the appraisal system, and development of tests. (line 300)</u></p> <p>Requires each charter school governing board to certify to the Commissioner by <u>Sept 15 Oct 1</u> of each year that they meet the requirements re employee contracts and performance pay. The Commissioner is to complete a review of a sample of charter schools by Dec 15 to determine compliance and certify in a report to the Gov, Speaker and Senate President on or before Feb 15 those charter schools not in compliance. <u>If found not to be in compliance, the charter school shall receive a funding adjustment equivalent to 5% of its FEFP. By May 15, each of the noncompliant charter schools must pay a fine of 5% of the salaries of all instructional and administrative personnel to the DOE. Such fines may not be paid from state funds. The Commissioner shall transfer the fines to the GR. (lines 307 – 328)</u></p>
<p>Section 4 1003.52 (lines 329 – 352)</p>	<p><u>DJJ Programs</u></p> <p>Conforming amendment.</p>
<p>Section 5 1003.62 (line 351)</p>	<p><u>Charter School Districts</u></p> <p>Repeals section.</p>
<p>Section 6 1003.621 (lines 352 – 372)</p>	<p><u>High Performing School Districts</u></p> <p>Requires high performing school districts to comply with laws pertaining to the tax notice of violating law and levying taxes in lieu of FEFP penalty, new appraisal procedures, and new teacher contract provisions. They already must comply with performance pay provisions.</p>
<p>Section 7 1003.63 (line 373)</p>	<p><u>Deregulated public schools pilot program</u></p> <p>Repealed</p>

<p>Section 8 1004.04 (lines 374 – 594)</p>	<p><u>Teacher Preparation Programs.</u></p> <p>Initial State Program Approval: Repeals waiver of admissions for 10% of students admitted to program. (line 399)</p> <p>Continued Program Approval: Makes it contingent on –</p> <ul style="list-style-type: none"> •A determination of student learning gains as measured by state assessment. (line 413) •Program review of and response to the effect of its candidates and graduates on K – 12 learning. (line 459) •Removes satisfactory rating by districts as an approval determiner (line 478) •Compliance with requirement to provide additional training to teachers failing to demonstrate student learning gains (lines 480 - 488) •Removes survey by DOE of employer satisfaction survey as a determiner (line 493) <p>Adds to annual report the percentage of graduates whose students achieve learning gains (line 522)</p> <p>Adds information required in annual report by readiness training institutions to include the percent of graduates obtaining full time teaching jobs within the first year. (line 539)</p> <p>Field experience must provide for continuous student participation in K – 12 settings with supervised instruction of K – 12 students (line 569)</p> <p>Sites selected for field experience placement must be based on the skills of the instructor based on the instructor’s learning gains. (lines 582 - 594)</p>
<p>Section 9 1004.04 (line 595)</p>	<p><u>Teacher Prep Program Approval</u></p> <p>Repeals subsections (11) and (12) of 1004.04 re Preteacher and Teacher Education Pilot Program and Pilot Program for High Achieving Students</p>
<p>Section 10 1004.85 (lines 597 – 653)</p>	<p><u>Postsecondary educator prep institutes</u></p> <p>Alternative certification program - Program participant:</p> <ul style="list-style-type: none"> • must obtain statement of status of eligibility prior to admission into program which indicates eligibility for temporary certificate. • must demonstrate mastery of general knowledge prior to completion of program. • Demonstrate ability to teach through field experiences and by achieving passing score on subject area test prior to completion of program <p>Alternative certification program must submit report to DOE which includes review of impact that participants who have completed program have on K-12 student learning. Evidence of student learning gains shall be used for purposes of continued approval.</p>

	Instructors must meet requirements of s. 1004.04(16).
<u>Section 11</u> 1008.222 (lines 654-697) See also SB 4 and HB 7053	<p><u>Development/Implementation of EOC assessments of certain subject areas/grade levels</u></p> <p>District must develop/acquire valid and reliable EOC assessment for subject area and grade level not measured by state assessments under s. 1008.22 or by exams in AP, IB, AICE, or national industry cert. Must be aligned to core curricular content established in SSS. (line 658)</p> <p>Beginning in 2013/14, each district must require that each school administer district's standard assessment for each subject area or grade level. (line 668)</p> <p>Superintendent must ensure that teachers who provide instruction in same subject or grade level administer same EOC. (line 672)</p> <p>District must adopt policies to ensure standardized admin. and security of assessments. (lines 675 - 690)</p> <p style="padding-left: 40px;">Superintendent responsible for implementing assessment security and administration, reporting of results and using results to comply w/ law.</p> <p style="padding-left: 40px;">Superintendent shall certify to Commissioner that security maintained. If certification is invalid, through audit by AG or investigation by DOE, Superintendent subject to suspension and removal on grounds of misfeasance pursuant to Florida Constitution.</p> <p>Commissioner must identify methods to assist/support district in development and acquisition of assessments required. (line 691)</p>
<u>Section 12</u> 1009.40 (lines 698-737)	<p><u>General requirements for eligibility of students for state financial aid awards and tuition assistance grants</u></p> <p>Technical</p>
<u>Section 13</u> 1009.54 (line 738)	<p><u>Critical Teacher Shortage Program</u></p> <p>Repealed</p>
<u>Section 14</u> 1009.57 (line 739)	<p><u>FL Teacher Scholarship and Forgivable Loan Program</u></p> <p>Repealed</p>
<u>Section 15</u> 1009.58 (line 740)	<p><u>Critical Teacher Shortage Tuition Reimbursement Program</u></p> <p>Repealed</p>

<p>Section 16 1009.59 (line 741)</p>	<p><u>Critical Teacher Shortage Student Loan Forgiveness Program</u> Repealed</p>
<p>Section 17 1009.94 (lines 742-751)</p>	<p><u>Student financial assistance database</u> Technical</p>
<p>Section 18 1011.626 (lines 752-893)</p>	<p><u>School district accountability millage adjustment</u> <u>Performance Fund for Instructional Personnel and School-Based Administrators</u></p> <p>Legislative Intent – <u>Ensure every student has a high quality teacher. School districts to be held accountable for demonstrably increasing student achievement. Provide additional millage levy on districts that fail to comply w/ laws to increase student achievement, by withholding amount equivalent to revenue generated by levy of additional millage rate from school district’s state funds in FEFP for FY in which millage levied.</u> (line 756)</p> <p>Legislative Findings (line 761)</p> <ul style="list-style-type: none"> • Quality teachers and school-based administrator single greatest indicators of student achievement. (line 762) • District that fails to reward teachers/admin. on performance and instead rewards, in whole or in part, based on number of years worked or degrees held, has violated law. Failure to comply fails to maximize student learning by not providing appropriate incentive to attract/retain quality classroom teacher/admin. (line 765) • District that fails to adopt/implement <u>EOC’s assessment system (student)</u> that comply w/ law frustrates purpose of ensuring that each student has high-quality teacher. (line 776) • District that fails to comply w/ law frustrates purpose of ensuring each student has high quality teacher by preventing district from promptly removing poor-performing classroom teacher from classroom and employment. (line 782) <p><u>(3) Performance Fund</u> <u>Beginning 11-12, the Performance Fund is established.</u> (line 787)</p> <p><u>(4) Calculation</u> <u>By July 1, the Commissioner shall calculate 5% of the FEFP (including the CSR operating, and local millages including the 1.5 capital outlay millage) and federal funds.</u> (line 791)</p> <p><u>(5) Distribution</u> <u>Funding is to be distributed in accordance with 1011.62 for implementation of the salary schedule (1012.22), performance appraisal system (1012.34), and development of EOC’s (1008.222). Funds may not be used to increase base salaries or salary</u></p>

	<p><u>adjustments for unsatisfactory or needs improvement personnel. (lines 800 – 808).</u></p> <p><u>Funds remaining after requirements are met may be used by districts for the same purpose as in 1011.62(1)(t). Funds remaining at the end of the year will revert to the GR. (lines 809 – 817)</u></p> <p><u>Salary increases awarded from these funds are in addition to any general increase or other adjustments to salary made by the district. Employee’s eligibility for or receipt of a salary increase shall not adversely affect the employee’s opportunity to qualify for other compensation generally available to other similar employees. (lines 818 – 825)</u></p> <p><u>The district shall set aside sufficient federal funds to equally apply these policies to personnel paid from federal grants. (line 826)</u></p> <p>(6) Review – Salary Schedule Compliance Beginning w/ 2014/15 FY, school board must submit each year the district-adopted salary schedule to the Commissioner for review on or before 10/1. On/before 12/15, Commissioner shall complete review, determine compliance, and notify school board if salary schedule fails to meet law. Commissioner shall certify districts that do not comply to Governor and Legislature by 2/15. (line 830)</p> <p>Assessment (student) Compliance Beginning w/ 2013/14 FY, Commissioner shall select a sampling of district assessments from multiple districts; districts must submit such assessments and supporting documentation on/before 10/1. District that fails to provide assessment is in violation of law. On/before 12/15, Commissioner shall complete review, determine compliance, notify school board if assessment fails to meet requirements of law. Commissioner shall certify those not in compliance to Governor and Legislature before 2/15. (lines 844 – 859)</p> <p>Contract Compliance In financial audit, the AG <u>or independent CPA</u> shall review sample of classroom teacher contracts and determine compliance w/ law. <u>The auditor AG</u> shall document violations of law and provide documentation to Commissioner on or before 10/1 of each year following audit. On/before 12/15, Commissioner shall notify Governor and Legislature each district not in compliance. (lines 860 – 873)</p> <p>Compliance Failure Requiring Additional Millage – School board not in compliance must levy additional millage to generate revenue equal to 5% of salaries for instructional personnel and school-based admin. for that fiscal year, as reported in annual financial report. Local resolution, ordinance, or referendum not required to implement levy. (line 907)</p> <p>Calculation of Millage Rate – On/before 3/1, Commissioner shall, for each school board not in compliance with law, calculate and certify to board the dollar amount equal to 5% of salaries. Commissioner shall certify additional local effort that board must levy to generate revenue amount. Additional local effort shall be certified at same time as RLE certified and levied at same time as RLE levied. Additional local</p>
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	<p>effort exempt from 90% calculation. Commissioner shall report amount to Governor and Legislature by 3/1. (line 917)</p> <p>Withholding of State Funds — For districts required to levy additional local effort, Commissioner shall withhold amount equivalent to revenue generated by additional levy from district’s state funds in FEFP for FY in which millage is levied. (line 940)</p> <p>Use of Additional Millage — Revenue must be used to compensate for loss of state funding caused by failure of district to comply with law. (line 948)</p> <p>Public Notice — Notice of proposed property taxes must include statement that school board violated law, etc. School board must include in notice of public hearing to adopt its annual budget that it violated the law, etc. <u>[The statement re salary schedule compliance was amended to remove reference to “rather than years worked.”]</u> (line 954)</p> <p>(7) Funding Adjustment <u>Districts certified not to be in compliance with the law will receive a funding adjustment equal to the 5% calculation. If undistributed funds are not sufficient then the adjustment shall be in the form of a prior year adjustment. (lines 874 – 884)</u></p> <p>(8) Rulemaking – SBE shall adopt rules including rules related to reporting formats, supporting documentation, and procedures for review. (line 885)</p>
<p>Section 19 1011.69 (lines 894-916)</p>	<p><u>Equity in School-Level Funding Act</u></p> <p>Removes language authorizing exemption for academic performance based charter school districts.</p>
<p>Section 20 1012.05 (lines 917-931)</p>	<p><u>Teacher recruitment & retention</u></p> <p>Authorizes rather than requires DOE to sponsor “virtual” job fairs. Registration fee for participants repealed; fee for districts remains.</p>
<p>Section 21 1012.07 (lines 932-962)</p>	<p><u>Identification of critical teacher shortage areas</u></p> <p>Term “critical teacher shortage area” redefined to mean high-need content areas and high-priority location areas identified by SBE. SBE must consider current and emerging educational requirements and workforce demands. School boards may identify and submit other critical teacher shortage areas, but they must be aligned to current and emerging educational requirements and workforce demands in order to be approved. Includes schools identified as lowest performing in definition. Repeals current language limiting implementation only to extent specifically funded.</p>
<p>Section 22</p>	<p><u>Public school personnel; powers/duties of district school board</u></p>

<p>1012.22 (lines 963-1032)</p>	<p>1. a. Effective 7/1/10, except as provided in subparagraphs 2, 4, and 5, school board shall adopt salary schedule that compensates “employees” based on their performance. (line 974)</p> <p>b.2. Salary adjustments schedule for “instructional personnel” and “school-based administrators”, must base more than 50% of compensation on student learning gains, pursuant to rule by SBE. Remainder of compensation shall be based <u>adjustments only</u> on performance demonstrated under s. 1012.34(3)(a)2. or 1012.34(3)(a)4. (lines 982 – 991)</p> <p>c.3. (No change to this section) Seek input from parents, business community, etc. to develop the salary schedule.</p> <p>2.4. <u>Salary schedule must allow</u> The school board shall adopt a salary adjustment for differentiated pay based on:</p> <p>a. Assignment to school in high-priority location area, with continued differentiated pay contingent upon documentation of <u>performance (1012.34) student learning gains.</u> (lines 1001 - 1004)</p> <p>b. Certification/teaching in critical teacher shortage areas (per SBE rule), with continued differentiated pay contingent upon documentation of <u>performance (1012.34) learning gains.</u> (lines 1005 - 1008)</p> <p>c. Assignment of additional academic responsibilities, with continued differentiated pay contingent upon documentation of <u>performance (1012.34) learning gains.</u> (lines 1009 - 1011)</p> <p>3.5. School board must adopt salary schedule for</p> <ul style="list-style-type: none"> • a beginning “teacher” (no prior K-12 teaching experience); • “teacher” who holds certificate issued by another state and who is hired by school board; and • “teacher” who holds certificate who has not taught in classroom during previous certification period, and is hired by school board. (lines 1012 - 1024) <p>Salary schedule in 5- <u>3.</u> above shall be in effect for the first year the “teacher” provides instruction in a Florida K-12 classroom. Thereafter, the “teacher” is subject to <u>1 and 2.</u> above. <u>A school board may not use length of service or degrees held as a factor in setting a salary schedule.</u> (lines 1025 - 1029)</p>
<p>Section 23 1012.225 (line 1033)</p>	<p><u>Merit Award Program</u></p> <p>Repealed</p>
<p>Section 24 1012.2251 (line 1035)</p>	<p><u>End-of-Course Exams for Merit Award Program</u></p> <p>Repealed</p>

<p>Section 25 1012.33 (lines 1037-1048)</p>	<p><u>Contracts with instructional staff, supervisors, and school principals</u></p> <p>If school board has to choose from personnel who are on continuing contracts or professional services contract who is to be retained, such decisions must be based primarily on employee’s performance. Deletes current provision that such decisions be based on collective bargaining agreement, if such agreement exists, or on school board policy.</p>
<p>Section 26 1012.335 (lines 1049-1088)</p>	<p><u>Contracts with classroom teachers hired on or after July 1, 2010.</u></p> <p>Definitions:</p> <p>“Annual contract” – for period no longer than 1 school year in which school board may choose to renew or not renew without cause. (line 1054)</p> <p>“Classroom teacher” – as defined in s. 1012.01(2)(a), excluding substitute teachers. (Not affected are the other categories listed in s. 1012.01(2)(b), (c), (d) and (e) – student personnel services; librarians/media specialists; other instructional staff; and education paraprofessionals). (line 1057)</p> <p>“Probationary contract” – for period no longer than 1 school year during which classroom teacher may be dismissed without cause or may resign without breach of contract. (line 1059)</p> <p>Employment – Beginning 7/1/10, each “person” newly hired as a “classroom teacher” shall receive probationary contract.</p> <p>(b) Classroom teachers may receive up to 4 annual contracts if the teacher:</p> <ol style="list-style-type: none"> 1. Holds professional certificate; and 2. Has been recommended by Superintendent for contract and approved by school board. (lines 1064 - 1073) <p>(c) Classroom teachers may not an annual contract for 6th year of teaching and thereafter, unless the classroom teacher:</p> <ol style="list-style-type: none"> 1. Holds professional certificate; 2. Has been recommended by Superintendent for annual contract and approved by school board; and 3. Has received effective or highly effective designation on appraisal in at least 2 of the 3 preceding years. (lines 1074 - 1085) <p>Suspension/dismissal of classroom teachers on annual contract – teacher may be suspended/dismissed at any time during term of contract for just cause. The school board may suspend the classroom teacher with or without pay. (lines 1086 - 1095)</p> <p>Just cause – SBE must adopt rules to define “just cause.” Which includes, but it not limited to: immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, being convicted or found guilty of or pled guilty regardless of adjudication to any crime involving moral turpitude, poor performance as demonstrated by law of student learning gains. (lines 1096 - 1108).</p>

<p>Section 27 1012.34 (lines 1099-1397)</p>	<p><u>Appraisal procedures and criteria</u></p> <p><i>NOTE: Throughout section, “evaluate” or “appraisal” are substituted for the word “assessment.”</i></p> <p>For purpose of increasing student achievement, superintendent must establish procedures for evaluating (not assessing) performance. (line 1112)</p> <p>DOE must approve each district’s instructional appraisal system and appraisal instruments. DOE must approve each school-based administrator appraisal system and appraisal instruments. DOE shall collect annual appraisals on all instructional and school-based administrative personnel and report percentage of each of these employees receiving each rating category by school and by district and submit to the Gov, Sen Pres and Hse Speaker. (lines 1121 - 1128)</p> <p>Appraisal system must support high-quality instruction and increased academic achievement. System must include mechanism to examine performance data from multiple sources, which includes giving parent opportunity to provide input. (lines 1132 - 1154)</p> <p>System must differentiate among four levels of performance:</p> <ul style="list-style-type: none"> • unsatisfactory, • needs improvement, • effective, and • highly effective. <p>Commissioner shall consult with performance pay experts and classroom teachers in developing performance levels. Beginning in 2014/15, “instructional personnel” and “school-based admin.” may not be rated as effective or highly effective if their students fail to demonstrate learning gains. (lines 1155 - 1162)</p> <p>System must include process for monitoring effective and consistent use of appraisal criteria by supervisors and administrators and a process for evaluating the effectiveness of the system itself in improving level of instruction and learning in schools. (lines 1163 - 1167)</p> <p>Appraisal frequency: Appraisal conducted once a year, or Twice, if new teacher or new hire per s. 1012.22(1)(c)5 (see lines 1101 - 1112 for defn.):</p> <ul style="list-style-type: none"> • a beginning “teacher” (no prior K-12 teaching experience); • “teacher” who holds certificate issued by another state and who is hired by school board; and • “teacher” who holds certificate who has not taught in classroom during previous certification period, and is hired by school board. <p>(lines 1180 - 1183)</p> <p>Effective 14-15, for “classroom teacher,” learning gains of students assigned to</p>
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	<p>teacher must comprise more than 50% of determination of classroom teacher’s performance. For instructional personnel, who are not classroom teachers, learning gains of students assigned to school must comprise more than 50% of determination of individual’s performance. Learning gains of students assigned to the teacher / school for the last 3 years are measured by state assessments, AP, IB, AICE, or national industry certification, or district assessments for subject areas and grade levels as required under s. 1008.222. (lines 1195 - 1216)</p> <p>Prior to July 1, 2014, for instructional personnel, more than 50% of performance must be based on student performance as measured under 1008.22 and local assessments if not measured under 1008.22. (lines 1217 – 1224)</p> <p>Performance criteria must be based on Florida Educator Accomplished Practices adopted by SBE which include (among other criteria) ability to use assessment data and other evidence of student learning to design/implement differentiated instructional strategies to meet individual student needs for remediation or acceleration. (lines 1225 - 1245)</p> <p>Effective 14-15, for “school-based administrators,” learning gains of students assigned to school must comprise more than 50% of determination of performance of administrator. Students learning gains measures are same as for instructional personnel above – assigned to the school the last 3 years. (lines 1246 - 1261)</p> <p>Prior to July 1, 2014, for school-based administrators, more than 50% of performance must be based on student performance as measured under 1008.22 and local assessments if not measured under 1008.22. (lines 1262 – 1268)</p> <p>Performance criteria for school-based admin. must be based on Florida Principal Leadership Standards adopted by SBE and must include ability to manage human, financial, material resources; and recruit/retain high-performing teachers. (lines 1269 - 1276)</p> <p>If employee holds annual contract as provided in s. 1012.335, and receives unsatisfactory performance appraisal, employee may request review of appraisal by superintendent or designee. Superintendent may review appraisal. (line 1301)</p> <p>SBE must adopt rules re annual appraisal of instructional personnel and school-based admin and that include the method of calculating rates of student learning tied to differentiated levels of performance. (line 1389)</p>
<p>Section 28 1012.42 (lines 1398-1404)</p>	<p><u>Teacher teaching out-of-field</u></p> <p>Beginning in 2010/11, school board shall not assign any beginning teacher to teach reading, science, or mathematics if he/she is not certified in reading, science, or mathematics</p>
<p>Section 29</p>	<p><u>Teacher quality; legislative findings</u></p>

<p>1012.52 (line 1405)</p>	<p>Repealed</p>
<p><u>Section 30</u> 1012.56 (lines 1406-1586)</p>	<p><u>Educator certification requirements</u></p> <p>SBE may adopt rules, to demonstrate completion of certification requirements, allow for acceptance of college course credits recommended by the American Council on Education. (line 1426)</p> <p>(5) Mastery of Subject Area Knowledge – (e) Acceptable means include valid teaching certificate issues by another state and achievement of passing score on subject areas specified in SBE or by full demonstration of mastery of ability to teach subject for which certification is sought. (line 1458) These requirements must be met within first semester of first year of teaching under temporary certificate. (line 1559)</p> <p>(6) Allows Teach for America training and passage of professional education competencies exam for proof of Professional Preparation and Education Competence. (lines 1501 – 1511)</p> <p>(9) Examinations – SBE shall, by rule, specify exam scores required for certificate. Must define subject area and reading instruction competencies. SBE must review current subject area exams and revise passing scores and reading instruction, if necessary. (line 1564)</p>
<p><u>Section 33</u> 1012.585 (lines 1587-1632)</p>	<p><u>Process for renewal of professional certificates</u></p> <p>Paragraph (2)(b) relating to teacher w/ national certification from National Board for Professional Teaching Standards expires July 1, 2014. (line 1594)</p> <p>(6) Adds requirement for renewal of professional certificate. Beginning in 2014/15, requirements include documentation of effective or highly effective performance for 4 of the preceding 5 years prior to renewal. SBE must adopt rules. Certificate may be reinstated under rules for reinstatement (see 1012.585(5)) (lines 1619 - 1632)</p>
<p><u>Section 32</u> 1012.72 (line 1633)</p>	<p><u>Dale Hickam Excellent Teaching Program</u></p> <p>Repealed</p>
<p><u>Section 33</u> 1012.79 (lines 1634-1668)</p>	<p><u>Education Practices Commission</u></p> <p>Revises membership – increases teachers to 11 (from 8), reduces other membership categories. For teacher member, increases requirement for years of teaching experience to 10 years, with at least 5 years in Florida.</p>
<p><u>Section 34</u></p>	<p><u>Education Practices Commission; authority to discipline.</u></p>

1012.795 (lines 1669-1693)	Clarifies authority to discipline teachers hired after 7/1/10.
<u>Section 35</u> (lines 1694-1723)	<u>Review of teacher preparation programs</u> DOE, in collaboration w/ Board of Governors, shall develop methodology to determine cost-effectiveness of teacher preparation programs. Report due on or before 12/1/11. OPPAGA shall review current standards for approval of programs and make recommendations by 1/1/12. Provides criteria.
<u>New Section 36</u> (lines 1724 – 1737)	<u>Waiver for districts that receive \$75 million or more in a grant from a private foundation for improving the effectiveness of teachers within the school district; until July 1, 2016.</u>
<u>Section 37</u> (lines 1738 – 1743)	Severability clause.
<u>Section 38</u> (lines 1744-1747)	<u>Amendments to ss. 1012.22 and 1012.33 shall apply to contracts newly entered into, extended, or readopted on or after July 1, 2010, and to all contracts on or after July 1, 2013.</u>
<u>Effective Date</u> (line 1748)	July 1, 2010; except as otherwise provided.