



2010 Legislative Briefing

FOR THE DUVAL COUNTY PUBLIC SCHOOLS

Report No. 4

MILLER CONSULTING GROUP

March 28, 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

FOURTH WEEK OF SESSION

This was a full week with both the House and Senate passing out of their respective major appropriations committees their budgets and conforming bills. These will be taken up next week on the floors of the House and Senate. After the bills are passed, they will be sent to their opposite chambers where they will be rejected. Upon rejection, conference committees will be appointed and negotiations will begin on the two budgets.

This week was Rally week for public education. During the week, Duval County was well represented by a contingent of representatives including PTA parents, school board members, the superintendent, and others representing Save Duval Schools.

While it was difficult to meet with delegation members who were attending committee meetings or were debating bills in Session, Superintendent Pratt-Dannals met with a few delegation members in between his many meetings with other superintendents. Also, School Board members Vicki Drake and Martha Barrett were successful in meeting with several delegation members and their aides. We were most pleased that two of the most active members of Save Our Schools, Julie Delegal and Deborah Heald, met with many of our delegation members as well.

It was fitting that during this particular week, the Senate passed its Teacher quality bill, **SB 6**, and the House filed its nearly identical bill, **HB 7189**.

These bills have been extremely controversial. A more detailed discussion follows in the next section.

The Senate also passed its resolution on Class Size, **SB 2**, to place before the voters in November an amendment to the constitution to allow a degree of flexibility in class sizes to avoid unintended consequences. The bill has to pass by 60% in each chamber in order to be placed on the ballot and then must be passed by 60% of all voters who vote on the issue in November. The House companion, **HB 7039** is ready for the full House to consider the bill.

The high school standards bill, **SB 4**, also was passed by the Senate. Among the many revisions, the bill adds to the math and science requirements for graduation by adding Algebra II and Geometry to the math requirements and Biology and Chemistry or Physics to the science requirements. End of course exams (EOC's) must be passed in order to receive credit in the courses. The similar House bill, **HB 7053**, is ready for consideration by the House Education Policy Council.

TEACHER QUALITY CONTROVERSY

The controversial Teacher Quality bill (see next section for discussion) was upper most on most people's minds. The bill drastically changes the culture of how teachers are paid, assessed, and contracted. None of the concepts in the bill have been tested and the funding issues attached to the bill are astronomical.

Duval already has many end-of-course exams and has established itself as ahead of most districts with regard to performance pay. However, the school system believes it may need another 400 exams. The cost for these exams could approach \$20 million to develop and validate over a two year period. The cost for the 5% Performance Fund that will be carved out of the budget will be

approximately \$42 million.

The controversy came to a head on Thursday at the House Pre K – 12 Policy Committee meeting at which the House bill, **HB 7189**, the nearly identical bill to SB 6, was being considered.

Understanding the dynamics of what was expected to occur is important. The House leadership made it clear to its majority members and to the lobbyists, that the bill had to remain clean – no amendments.

As a result, the hearing on the bill was very contentious. The room was packed and people had to be rotated in to the room during the meeting. Democrats presented 6 amendments to the bill but all were voted down by the majority party. The first three amendments, offered by Rep. Mia Jones, were designed to amend some of the more controversial parts of the bill without removing the intent. These amendments were supported by Rep. Weinstein, a Republican. No other Republican voted for the amendments.

Although the amendatory process was not finished (more amendments were yet to be discussed), the chair decided to move to public testimony in the interest of time. Approximately 30 persons spoke. Of these, the Chamber of Commerce, Foundation for Florida's Future, the Governor's Office, and a citizen spoke out in favor. The others spoke against the bill.

Before all could address the committee, the chair stopped the testimony, again in the interest of time. At that point, a motion to call the question was made and was approved. The Democrats asked that their remaining amendments be heard but the chair ruled them out of order. When they protested the ruling, the chair threatened to call the Sergeant at Arms. The vote was taken on the bill and the bill passed. Rep. Weinstein was the only Republican to vote against the bill.

TEACHER QUALITY BILL

The Senate heard its version of the Teacher Quality bill this past week on the floor of the Senate and added a few amendments. **SB 6** was amended to provide a waiver for Hillsborough that must be renewed annually. The waiver is due to

the Gates grant Hillsborough received to create a performance pay system.

The bill was also amended to grandfather in those teachers who earned their National Certification by July 1, 2010. The bill that had passed out of the Senate Ways and Means Committee the previous week had deleted the program. Under the amendment, these teachers would continue to be eligible for their state bonuses if the bonuses are funded in the state budget. Another amendment was passed to add back in advanced degrees for teachers. Unfortunately, the language was amended to a section that will have no impact on the major provisions of the bill.

See the attached chart for the latest version of the bill.

In general, the bill:

- **Employment Contracts:** Mandates a change in employment contracts for new teachers hired on or after July 1, 2010. The bill would require first year teachers to be placed on a Probationary Contract. This contract would permit teachers to be dismissed without cause at any time during the term of the contract. In the second through fifth years, these teachers would be placed on Annual Contracts. After the fifth year, and each year thereafter, upon recommendation of the superintendent and approval of the school board, a teacher with ratings of Effective or Highly Effective in two of the last three years may be appointed to another Annual Contract. The Professional Services Contract will not be available for these teachers.
- **Appraisal System: Effective 7/1/10,** teachers will be assessed using learning gains of students assigned to the teacher and must comprise more than 50% of the determination. Current law requires assessments to be based "primarily" on student assessments.

Effective 7/1/14, teachers will be assessed on criteria, more than 50% of which is based on student learning gains over the past three years. These learning gains will be determined by state required assessments; AP, IB, AICE, or national industry certification, or EOC's developed by the district.

- **Salary Schedules: Effective now until 7/1/14**, salary schedules will remain the same but may be modified to transition to the new system in 14-15.

Effective 7/1/14, the schedules must be based on performance as measured under the new Appraisal System. All adjustments after July 1, 2014 must be based solely on performance and not on experience or degrees earned. Differentiated Pay will be based on assignment to a school in high priority locations, certification or teaching in critical teacher shortage areas determined by the DOE, or assignment of additional academic responsibilities. This pay is contingent on documentation of performance.

- **Performance Fund: Effective the 11-12 school year**, a performance fund comprised of 5% of the district total FEFP (including discretionary millage) will be set aside for the purpose of funding the development of EOC's, development and implementation of the salary schedule, funding the adjustments to the salary schedule, and development of the appraisal system. Effective in 14-15, the district will be penalized 5% of its FEFP if funds are spent on elements that are not in compliance with the law.
- **EOC's:** Districts are required to develop EOC's in all courses not assessed by the state, or by AP, IB, AICE or industry certification exams.
- **Certification:** Continued certification is dependent on receiving an Effective or Highly Effective rating in 4 of the last 5 years. The SBE may adopt rules to provide for circumstances in which the teacher might not have been assessed each year of the five year period.
- **Teacher Preparation Programs:** Teacher preparation program approval is contingent on student learning gains of their graduates.

ACTION ON OTHER BILLS

HB 31 – Inspirational Message: Prohibits restricting student delivery of inspirational message at non compulsory high school activities.

House Civil Justice and Courts

HB 37 – Resolution on Health Insurance Participation: A constitutional resolution to prohibit the requirement that employers or persons must participate in a health insurance system. House Health Care Regulation Policy.

HB 5607 – FRS Contribution Rates: Establishes the FRS contribution rates. House Appropriations Council on Education and Economic Development.

SB 2022 – FRS Employee Contribution Rates: Establishes FRS contribution rates **and** requires employee contributions of .25% beginning Jan 1, 2011. The bill does not include any changes in the Health Insurance Subsidy. Senate Ways and Means.

HB 5703 – UAL Contribution Rates: Provides for employer contribution rates for the unfunded actuarial liability. It also provides for UALh contributions for reemployed persons who are ineligible for renewed membership after July 1, 2011. House Appropriations Council on Education and Economic Development.

HB 5701 – HIS: Removes the Health Insurance Subsidy (HIS) benefit for any person retiring on or after July 1, 2010. For current retirees, HIS is removed as a benefit after December 31, 2010. HIS is removed as a benefit for persons who terminate DROP on or after June 1, 2010. The bill provides for the expiration of these sections on June 30, 2011. House Appropriations Council on Education and Economic Development.

SB 176 – Road Designations: The bill designates the James “Jim” King, Jr. Parkway, the Hans Tanzler, Jr. Interstate, and the Don Davis Memorial Interchange. Passed full Senate.

SB 1058 – Notification of Personnel: 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. that would be a felony had it been committed by an adult. Senate Pre K – 12.

SB 1142 – Public Records Exemption for Procurement: Exempts bids, proposals or responses to competitive solicitation from public records. Senate Government Oversight.

SB 1284 – Offender Restrictions: Enhances

penalty for loitering or prowling by certain offenders within certain distances from children. Senate Community Affairs.

SB 1706 – Liquidated Damages or Early Termination: Prohibits agency from contracting, without legislative authority, to pay liquidated damages or early termination fees as the result of breach or early termination. Senate Government Oversight.

SB 2126 – Tax Credit Scholarship: Increases amount of voucher and tax credit cap for Tax Credit Scholarship Program. Passed Full Senate.

HB 1009 – Tax Credit Scholarship: Increases amount of voucher and tax credit cap for Tax Credit Scholarship Program. House Finance and Tax Council.

SB 2420 – Resolution to Limit Revenue: Resolution to amend the constitution to limit state revenues and require voter approval for new taxes and fees. Senate Community Affairs.

SB 2580 – Health Insurance Consortium: Requires school districts to enter into interlocal agreements on health insurance. School boards may opt out. Senate Pre K – 12.

SB 2602 – Locker Rooms: Requires locker rooms to be monitored when students are present and secured when not present. Senate Pre K – 12.

SB 2686 – DCD Study: Provides for a study of FEFP formula by out-of-state university. Sen. Wise voted against the bill. Senate Pre K – 12. HB 1451 not yet heard in committee.

HB 405 – Shade Meetings: Expands shade meetings to include pending litigation. House Governmental Affairs Policy Committee.

HB 1511 – Public Notices: Provides for public notices to be posted on web site as alternative. House Governmental Affairs Policy committee.

SB 622 – Gaming: Voids negotiations between governor and Seminole Tribe re gaming. Senate Regulated Industries.

SB 2060 – Sovereign Immunity: Increases statutory limits on liability claims against agencies and subdivisions by \$100,000 for each category of claim. Passed Senate.

HB 207 – Land Contamination: Amends the notice on site contamination relating to K – 12 schools. House Agriculture & Natural Resources

Policy Committee.

HB 461 – Fine Arts: Requires performance in fine arts courses to be added to criteria for high school grading. Requires assessments to be developed by the DOE as funds are available. House Pre K – 12 Policy Committee.

HB 483 – Sales Tax Holiday: Establishes the school sales tax holiday. HB 469 was combined with this bill and tabled. House Finance & Tax Council.

HB 663 – Building Safety: Relates to elevator safety, classroom lighting, building code, and fire safety. House General Government Policy Council.

HB 747 – Diabetes: Prohibits assignment of students with diabetes to special school. Authorizes diabetic students to self medicate school and at school activities. House Pre K – 12 Policy Committee.

SB 896 – Diabetes: Similar to HB 747. Senate Health Regulation.

HB 1073 – Seclusion and Restraint: This bill was combined with HB 81 which was tabled. The bill provides for training for child care provider workers who care for disabled children and prohibits certain seclusion and restraint procedures from educational settings. The bill requires training for school personnel. House Pre K – 12 Policy Committee.

HB 129 – Military Leave: Provides for an increase of leave to 30 days (240 hours) that will be available to those taking military leave from employment. House Government Operations Appropriations.

HB 623 – Instructional Materials: Adds electronic textbooks as permissive use of instructional materials categorical and, beginning 2012-13, will allow the purchase of electronic or computer hardware provided it is for the sole purpose of delivering instructional materials content in an electronic format. House Pre K – 12 Appropriations committee.

HB 723 – Fee Waivers: Provides for tuition waivers for undergraduate credit for classroom teachers. House State Universities and Private Colleges Appropriations Committee.

HB 1061 – Suicide Prevention: Requires material on suicide prevention be made available to all

instructional and administrative personnel as part of the district professional development program. House Pre K – 12 Appropriations Committee.

SB 434 – Suicide Prevention: Similar to HB 1061. Senate Children, Families, and Elder Affairs.

HB 1233 – Plant Surveys: Authorizes extension for plant surveys but restricts construction during the extension period. House Pre K – 12 Appropriations Committee.

HB 1505 – McKay Scholarships: The bill allows entering kindergarten students to participate in the scholarship program. It also allows student 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. House Pre K – 12 Appropriations Committee.

HB 1569 – Charter Schools: Allows high performing charter schools to extend from August 1 to January 1 the ability to file an application for replicating a successful charter school. It also allows a charter school to file quarterly financial reports instead of monthly unless a deteriorating financial condition has been identified or is in a state of financial emergency. The bill changes good cause for denying an application to cause as defined by the SBE. An OPPAGA study of charter school funding is also required. House Pre K – 12 Appropriations Committee.

SB 1598 – Public Meetings and Records: Requires officials to undergo training on open government. Prohibits copying of public records if it takes less than 30 minutes to produce. Senate Judiciary.

RETIREMENT ISSUES

Some progress was made on retirement issues. Bills to set contribution rates were passed and some bills were withdrawn from further consideration (**HB 1543**).

Bills that passed out of committee:

SB 2022

Effective January 1, 2011, all employees will make contributions to the FRS at .25%.

Charter schools may elect to provide or not

provide benefits based on past service.

Contribution rates are set for 10-11.

HB 5701

Health Insurance Subsidies (HIS) are eliminated effective December 31, 2010. Effective July 1, 2010, new retirees will not be provided the HIS.

HB 5703

Contributions for the unfunded actuarial liability are set for all agencies.

Issues to be determined:

DROP: No further word on DROP. The week before last we were convinced DROP would be eliminated this coming year. Now it looks like they may be backing off of this. Most of you will recall last year's end of Session surprise with the passage of HB 479. WE will need to watch this carefully. If DROP does not change during this session, it will likely change after next year

Advice: Do not do anything to jeopardize our future situation yet. The Session will not be over until April 30. By the end of the first week of May we should have the information you need to make decisions regarding your DROP or retirement. That should give you the time most of you need to make a decision.

Contribution rates: Employee contributions to his/her own retirement will likely pass. The Senate has .25% in its bill. The House has no bill reflecting this change. The rate could go as high as 1% or remain as low as the Senate proposal of .25%

Health Insurance Subsidy for Retirees: One bill has this provision in it. Effective July 1, 2010 for new retirees and effective December 31, 2010 for current retirees. Will likely pass.

Defined benefit plan elimination: May not happen, but if it does it will impact new hires only.

Vesting period: could change from the current 6 years to 10. This has been discussed. No indication it will change.

Eligibility: Currently at 30 years or age 62. This could change to 33 years or age 65. Again, no indication it will happen.

Reduce the Percentage for Retirement

Calculation: Rumors that it may be decreased from its current 1.6%. No bills. For those who are

vested, it is unlikely it will impact that group.

Remember – any of these could happen by amending current bills. A new bill is not required to make the changes.

I will keep you posted. Watch **HB 1319** and the three bills that have passed out of committee: SB 2022, HB 5701, HB 5703.

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, Second Engrossed
(HB 7189 is nearly identical)

Martin Miller, MCG
 Joy Frank, FADSS
 3/28/10

| Senate – CSCSSB 6, E2 | |
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| <p>Section 1 39.202 (lines 185 – 195)</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>Section 2 447.403 (lines 196 – 232)</p> | <p><u>Resolution of Impasses</u></p> <p>Repeals the special impasse procedures for MAP impasse.</p> |
| <p>Section 3 1002.33 (lines 233 – 332)</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 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.) Length of service or degrees held by the classroom teacher or school-based administrator may not be used as a factor. (lines 240 - 253)</p> <p>Charter schools are required to administer assessments that comply with 1008.222 or use its own assessments that comply with 1008.222. Charter schools must adopt a performance appraisal system that complies with 1012.34. (line 254)</p> <p>Repeals the provision that charter schools shall receive 100% of the funds awarded to that school under 1012.225. (line 297)</p> <p>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 303)</p> <p>Requires each charter school governing board to certify to the Commissioner by Sept 15 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. If found not to be in compliance, the charter school shall receive a funding adjustment equivalent to 5% of its FEFP. (lines 311 – 332)</p> |

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| <p>Section 4 1003.52 (lines 333 – 354)</p> | <p><u>DJJ Programs</u> Conforming amendment.</p> |
| <p>Section 5 1003.62 (line 355)</p> | <p><u>Charter School Districts</u> Repeals section.</p> |
| <p>Section 6 1003.621 (lines 356 – 376)</p> | <p><u>High Performing School Districts</u> Requires high performing school districts to comply with laws pertaining to new appraisal procedures, and new teacher contract provisions. They already must comply with performance pay provisions.</p> |
| <p>Section 7 1003.63 (line 377)</p> | <p><u>Deregulated public schools pilot program</u> Repealed</p> |
| <p>Section 8 1004.04 (lines 378 – 598)</p> | <p><u>Teacher Preparation Programs.</u> Initial State Program Approval: Repeals waiver of admissions for 10% of students admitted to program. (line 403) Continued Program Approval: Makes it contingent on – <i>[only sections that changed are referenced.]</i></p> <ul style="list-style-type: none"> • A determination of student learning gains as measured by state assessment. (line 417) • Program review of and response to the effect of its candidates and graduates on K – 12 learning. (line 463) • Removes satisfactory rating by districts as an approval determiner (line 482) • Compliance with requirement to provide additional training to teachers failing to demonstrate student learning gains (lines 484 - 492) • Removes survey by DOE of employer satisfaction survey as a determiner (line 497) <p>Adds to annual report the percentage of graduates whose students achieve learning gains (line 526)</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 543)</p> <p>Field experience must provide for continuous student participation in K – 12 settings with supervised instruction of K – 12 students (line 573)</p> |

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| | <p>Sites selected for field experience placement must be based on the skills of the instructor based on the instructor’s learning gains. (lines 586 - 598)</p> |
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| <p><u>Section 9</u> 1004.04 (line 599)</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> |
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| <p><u>Section 10</u> 1004.85 (lines 601 – 657)</p> | <p><u>Postsecondary educator prep institutes</u></p> <p>Alternative certification program - Program participant: <i>[only changed sections reflected]</i></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> <p>Instructors must meet requirements of s. 1004.04(16).</p> |
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| <p><u>Section 11</u> 1008.222 (lines 658-7017) See also SB 4 and HB 7053</p> | <p><u>Development/Implementation of EOC assessments of certain subject areas/grade levels (New Section of Law)</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 662)</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 672)</p> <p>Superintendent must ensure that teachers who provide instruction in same subject or grade level administer same EOC. (line 676)</p> <p>District must adopt policies to ensure standardized admin. and security of assessments. (lines 682 - 694)</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</p> |

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| | <p>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 695)</p> |
| <p>Section 12 1009.40 (lines 702-741)</p> | <p><u>General requirements for eligibility of students for state financial aid awards and tuition assistance grants</u></p> <p>Technical</p> |
| <p>Section 13 1009.54 (line 742)</p> | <p><u>Critical Teacher Shortage Program</u></p> <p>Repealed</p> |
| <p>Section 14 1009.57 (line 743)</p> | <p><u>FL Teacher Scholarship and Forgivable Loan Program</u></p> <p>Repealed</p> |
| <p>Section 15 1009.58 (line 744)</p> | <p><u>Critical Teacher Shortage Tuition Reimbursement Program</u></p> <p>Repealed</p> |
| <p>Section 16 1009.59 (line 745)</p> | <p><u>Critical Teacher Shortage Student Loan Forgiveness Program</u></p> <p>Repealed</p> |
| <p>Section 17 1009.94 (lines 746-755)</p> | <p><u>Student financial assistance database</u></p> <p>Technical</p> |
| <p>Section 18 1011.626 (lines 756-897)</p> | <p><u>Performance Fund for Instructional Personnel and School-Based Administrators</u></p> <p>Legislative Intent – Ensure every student has a high quality teacher. School districts to be held accountable for demonstrably increasing student achievement. (line 760)</p> <p>Legislative Findings (line 765)</p> <ul style="list-style-type: none"> • Quality teachers and school-based administrator single greatest indicators of student achievement. (line 766) • 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 |

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| | <p>not providing appropriate incentive to attract/retain quality classroom teacher/admin. (line 769)</p> <ul style="list-style-type: none"> • District that fails to adopt/implement EOC's that comply w/ law frustrates purpose of ensuring that each student has high-quality teacher. (line 780) • 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 786) <p>(3) Performance Fund Beginning 11-12, the Performance Fund is established. (line 791)</p> <p>(4) Calculation By July 1, the Commissioner shall calculate 5% of the FEFP (including the CSR operating, and local discretionary millages but not including the 1.5 capital outlay millage and federal funds - <i>we believe these are the stimulus funds</i>). (line 795)</p> <p>(5) Distribution 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 adjustments for unsatisfactory or needs improvement personnel. (lines 803 – 812).</p> <p>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 813 – 821)</p> <p>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 822 – 829)</p> <p>The district shall set aside sufficient federal funds to equally apply these policies to personnel paid from federal grants. (line 830)</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 835)</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.</p> |
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| | <p>Commissioner shall certify those not in compliance to Governor and Legislature before 2/15. (lines 848 – 863)</p> <p>Contract Compliance In financial audit, the AG or independent CPA shall review sample of classroom teacher contracts and determine compliance w/ law. The auditor 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 864 – 877)</p> <p>(7) Funding Adjustment 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 878 – 888)</p> <p>(8) Rulemaking – SBE shall adopt rules including rules related to reporting formats, supporting documentation, and procedures for review. (line 889)</p> |
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| <p>Section 19 1011.69 (lines 898-920)</p> | <p><u>Equity in School-Level Funding Act</u></p> <p>Removes language authorizing exemption for academic performance based charter school districts.</p> |
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| <p>Section 20 1012.05 (lines 921-935)</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> |
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| <p>Section 21 1012.07 (lines 936-966)</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> |
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| <p>Section 22 1012.22 (lines 967-1036)</p> | <p><u>Public school personnel; powers/duties of district school board</u></p> <p>1. <u>a.</u> Effective 7/1/14, school board shall adopt salary schedule that compensates “employees” based on their performance. (line 974)</p> <p><u>b.2.</u> Salary adjustments for “instructional personnel” and “school-based administrators”, must base adjustments only on performance demonstrated under s. 1012.34. (lines 986 – 995)</p> |

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| | <p>c.3. (No change to this section) Seek input from parents, business community, etc. to develop the salary schedule.</p> <p>2.4.The school board shall adopt a salary adjustment for differentiated pay based on:</p> <ol style="list-style-type: none"> a. Assignment to school in high-priority location area, with continued differentiated pay contingent upon documentation of performance (1012.34). (lines 1005 - 1008) b. Certification/teaching in critical teacher shortage areas (per SBE rule), with continued differentiated pay contingent upon documentation of performance (1012.34). (lines 1009 - 1012) c. Assignment of additional academic responsibilities, with continued differentiated pay contingent upon documentation of performance (1012.34). (lines 1013 - 1015) <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 1016 - 1028) <p>Salary schedule in 3. 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 1 and 2. above. A school board may not use length of service or degrees held as a factor in setting a salary schedule. (lines 1029 - 1033)</p> |
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| <p>Section 23 1012.225 (line 1037)</p> | <p><u>Merit Award Program</u></p> <p>Repealed</p> |
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| <p>Section 24 1012.2251 (line 1039)</p> | <p><u>End-of-Course Exams for Merit Award Program</u></p> <p>Repealed</p> |
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| <p>Section 25 1012.28</p> | <p><u>In HB 7189 Only</u></p> <p><i>Technical</i></p> |
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| <p>Section 25 1012.33 (lines 1041-1052)</p> <p><i>Section 26 in HB 7189</i></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> |

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| <p>Section 26 1012.335 (lines 1053-1112)</p> <p><i>Section 27 in HB 7189</i></p> | <p><u>Contracts with classroom teachers hired on or after July 1, 2010. (New Section)</u></p> <p>Definitions: “Annual contract” – for period no longer than 1 school year in which school board may choose to renew or not renew without cause. (line 1058)</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 1061)</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 1063)</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 1068 - 1077) <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 1078 - 1089) <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 1090 - 1099)</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 1100 - 1112).</p> |
| <p>Section 27 1012.34 (lines 1113-1402)</p> <p><i>Section 28 in</i></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</p> |

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| <p>HB 7189</p> | <p>procedures for evaluating (not assessing) performance. (line 1116)</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 1125 - 1132)</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 1136 - 1158)</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>(lines 1159 – 1161)</p> <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 1161 - 1166)</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 1167 - 1171)</p> <p>Appraisal frequency:</p> <p style="padding-left: 20px;">Appraisal conducted once a year, or</p> <p style="padding-left: 20px;">Twice, if new teacher or new hire per s. 1012.22(1)(c)3 (see lines 1018 - 1022 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 1184 - 1187)</p> <p>Effective 14-15, for “classroom teacher,” learning gains of students assigned to 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 1199 - 1220)</p> |
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| | <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 1221 – 1228)</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. Knowledge of Subject Area was amended to allow consideration of higher degree (Eng 2, Senate bill; <i>not in HB 7189</i>). (lines 1233 - 1250)</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 1252 - 1266)</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 1267 – 1273)</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 1274 - 1281)</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 1306)</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 1394)</p> |
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| <p>Section 28 1012.42 (lines 1403-1409)</p> <p><i>Section 29 in HB 7189</i></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> |
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| <p>Section 29</p> | <p><u>Teacher quality; legislative findings</u></p> |

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| <p>1012.52 (line 1410)</p> <p><i>Section 30 in HB 7189</i></p> | <p>Repealed</p> |
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| <p>Section 30 1012.56 (lines 1411- 1591)</p> <p><i>Section 31 in HB 7189</i></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 1431)</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 1463)</p> <p>(6) Amended to also allow Teach for America training and passage of professional education competencies exam for proof of Professional Preparation and Education Competence. (lines 1481 – 1516)</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 1569)</p> |
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| <p>Section 31 1012.585 (lines 1592- 1637)</p> <p><i>Section 32 in HB 7189</i></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 1599)</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 to cover circumstances in which teacher was not evaluated under 1012.34 during that period. Certificate may be reinstated under rules for reinstatement (see 1012.585(5)) (lines 1624 – 1637)</p> |
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| <p>Section 32 1012.72 (line 1638 – 1685)</p> <p><i>Section 33 in HB 7189</i></p> | <p><u>Dale Hickam Excellent Teaching Program</u></p> <p>(Eng 1): Will allow bonuses to continue for those who acquire National Board Certification before July 1, 2010 and are continuously employed.</p> |
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| <p>Section 33</p> | <p><u>Education Practices Commission</u></p> |

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| <p>1012.79 (lines 1686-1720) <i>Section 34 in HB 7189</i></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>Section 34 1012.795 (lines 1721-1745) <i>Section 35 in HB 7189</i></p> | <p><u>Education Practices Commission; authority to discipline.</u> Clarifies authority to discipline teachers hired after 7/1/10.</p> |
| <p>Section 35 (lines 1746-1775) <i>Section 36 in HB 7189</i></p> | <p><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.</p> |
| <p><u>New Section 36</u> (lines 1776 – 1800) <i>Section 37 in HB 7189</i></p> | <p>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. Eng 1 Amended to require annual review. The district must implement assessments based on performance, salary schedules based on performance, and contracts based on student performance.</p> |
| <p>Section 37 (lines 1801 – 1806) <i>Section 38 in HB 7189</i></p> | <p>Severability clause.</p> |
| <p>Section 38 (lines 1807-1810) <i>Section 39 in HB 7189</i></p> | <p>Amendments to 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.</p> |
| <p><u>Effective</u></p> | <p>July 1, 2010; except as otherwise provided.</p> |

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| <p>Date (line 1811)</p> <p><i>Section 40 in HB 7189</i></p> | |
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