

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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**BILL:** CS/SB 7000

**INTRODUCER:** Fiscal Policy Committee; Education Pre-K -12 Committee; and Senator Calatayud

**SUBJECT:** Deregulation of Public Schools/Instructional, Administrative, and Support Personnel

**DATE:** December 13, 2023      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Palazesi/Sabitsch/ Jahnke	Bouck		<b>ED Submitted as Comm. Bill/Fav</b>
1.	Palazesi/Sabitsch/ Jahnke	Yeatman	FP	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 7000 builds on the deregulation of public schools provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and provides to school districts additional authority related to teacher certification and training, instructor contracts and salary schedules, personnel evaluations, and collective bargaining. Specifically, the bill:

- Modifies school personnel initial and continuing requirements by:
  - Establishing a 10-year renewable professional certificate for applicants rated highly effective in 4 years of the 5-year validity period of their professional certificate.
  - Providing an option for a reduction in the renewal requirements for applicants rated highly effective on their initial 5-year professional certificate.
  - Authorizing school districts or consortiums to issue temporary certificates.
  - Providing an additional method for a teacher on a temporary certificate to demonstrate mastery of general knowledge.
  - Expanding eligibility requirements for the teacher apprenticeship program.
  - Specifying that a teacher certified in exceptional student education is considered in-field if he or she is teaching exceptional students in a self-contained classroom.
  - Allowing the Florida Institute for Charter School Innovation to develop a professional learning system.
  - Providing teachers with a valid professional certificate who taught at a private school and returned to the school district can extend the expiration date of their professional certificate, up to a maximum of 3 years.

- Allowing prekindergarten instructors 60 days after hire to complete the required emergency literacy courses.
- Providing authority to the district school boards to adopt requirements for school bus drivers and bus attendants.
- Modifies how school districts may recruit, hire, manage, pay, and evaluate teachers by:
  - Removing restrictions related to comparable educator salary adjustments.
  - Creating a three-year-maximum instructional multiyear contract that may be awarded if certain criteria are met.
  - Requiring the State Board of Education to develop and publish strategies relating to critical teacher shortage areas.
  - Providing greater authority to district school boards in determining personnel evaluations, but requires that at least half of the evaluation must be based upon student performance.
  - Providing flexibility in the assignment of inexperienced teachers at schools in need of interventions and support.
  - Prohibiting the use of value-added model as the sole determinant for any incentive pay for instructional personnel or school administrators.
  - Providing that specified policies for which collective bargaining may not preclude or limit school district activities.

The bill takes effect on July 1, 2024.

## **II. Present Situation:**

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

## **III. Effect of Proposed Changes:**

### **Educator Certification**

#### *Present Situation*

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence to demonstrate an acceptable level of professional performance.<sup>1</sup> For a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Department of Education (DOE).<sup>2</sup>

The State Board of Education (SBE or state board) designates the certification subject areas, establishes competencies, and adopts rules by which educator certificates are issued by the DOE to qualified applicants.<sup>3</sup>

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<sup>1</sup> Section 1012.54, F.S.

<sup>2</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>3</sup> Section 1012.55(1) (a), F.S.

### General Eligibility

To seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.<sup>4</sup>

### Professional Educator Certificate

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:<sup>5</sup>

- General knowledge.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include:<sup>6</sup>

- Achievement of passing scores on the general knowledge examination;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- 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 meets certain criteria;
- Achievement of passing scores on national or international examinations with comparable verbal, writing, quantitative reasoning, and rigor as the general knowledge exam, including but not limited to Graduate Record Examination; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE 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. The requirement of mastery of general knowledge must be waived for an individual who has been provided 3 years of supports and instruction and who has been rated effective or highly effective for each of the last 3 years.<sup>7</sup>

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.<sup>8</sup>

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<sup>4</sup> Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.

<sup>5</sup> Section 1012.56(2)(g)-(i), F.S.

<sup>6</sup> Section 1012.56(3), F.S.

<sup>7</sup> Section 1012.56(3), F.S. (flush left)

<sup>8</sup> Section 1012.56(5), F.S., and Rule 6A-4.002(4), F.A.C.

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.<sup>9</sup> Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional learning certification program.<sup>10</sup>

For the renewal of a professional certificate, applicants must earn a minimum of 6 college credits or 120 inservice points or a combination thereof, which must include at least 1 college credit or 20 inservice points in teaching students with disabilities. All renewal credits must be earned during the validity period and prior to the expiration date of the current professional certificate.<sup>11</sup> In lieu of college credit or inservice points, applicants may renew a subject area specialization by passing a state board approved Florida-developed subject area examination.<sup>12</sup>

Applicants who hold a professional certificate in any area of certification identified by SBE rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or 40 inservice points in evidence-based instruction and interventions grounded in the science of reading.<sup>13</sup>

#### Temporary Educator Certificate

A temporary teaching certificate is valid for five school fiscal years and is nonrenewable.<sup>14</sup> The DOE is required to issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer and is required to electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued.<sup>15</sup>

The DOE must issue a temporary certificate to any applicant who:<sup>16</sup>

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the DOE at the level required for the subject area specialization in SBE rule.

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<sup>9</sup> Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, incorporated by reference in rule 6A-4.0021, F.A.C.

<sup>10</sup> Section 1012.56(6), F.S.

<sup>11</sup> Section 1012.585(3), F.S. and Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited Nov. 6, 2023).

<sup>12</sup> Section 1012.585(3)(b), F.S.

<sup>13</sup> Section 1012.585(3)(f), F.S. The evidence-based instruction and interventions grounded in the science of reading must be specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

<sup>14</sup> Section 1012.56(7), F.S.

<sup>15</sup> Section 1012.56(1)(b), F.S.

<sup>16</sup> Section 1012.56(7)(b) and (d), F.S. As specified in law, alternative pathways for a temporary certificate are available for military service members and participants in the Teacher Apprenticeship Program.

A person issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment. Each teacher mentor selected must:<sup>17</sup>

- Hold a valid professional certificate;
- Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective rating on the prior year's performance evaluation.

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.<sup>18</sup>

### ***Effect of Proposed Changes***

The bill modifies s. 1012.56, F.S., by authorizing school districts or a consortium of school districts<sup>19</sup> to issue a temporary certificate and requires the DOE to adopt reporting requirements regarding the award of such certificates. Additionally, the bill provides an additional pathway for teachers to demonstrate mastery of general knowledge. The bill specifies that a teacher who has been rated effective or highly effective in each year of the temporary certification satisfies the general knowledge requirement.

The bill modifies educator certification requirements in s. 1012.585, F.S., by:

- Establishing an additional professional certificate with a 10-year validity period. Applicants for the 10-year professional certificate must have been awarded at least one 5-year professional certificate and must have been rated highly effective in at least 4 years of the 5-year validity period of his or her professional certificate. The bill specifies that applicants rated effective or highly effective for the entirety of the 10-year validity period of his or her professional certificate are eligible to renew the 10-year professional certificate, and must earn a minimum of 9 college credits or 180 inservice points or a combination thereof to renew the 10-year professional certificate. The applicant must earn a minimum of 6 college credits or 90 inservice points or a combination thereof within the first 5 years of the 10-year professional certificate. An applicant who does not meet the initial or renewal requirements for a 10-year professional certificate may be awarded a 5-year professional certificate.
- Requiring the SBE to adopt rules that provides a process for a transition from a 5-year to a 10-year professional certificate, or for renewal of a 10-year professional certificate, if student performance results are not available to complete a performance evaluation in time to apply for or renew the 10-professional certificate. Additionally, the rules must authorize a school district or department to provide an extension to the validity period of a professional certificate or to convert a 5-year to a 10-year professional certification once an evaluation is completed.

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<sup>17</sup> Section 1012.56(7), F.S.

<sup>18</sup> Florida Department of Education, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Nov. 6, 2023).

<sup>19</sup> A consortium is a regional, non-profit, educational service agency established to provide cooperative services to small and rural member districts. The consortiums in Florida are the North East Florida Educational Consortium, Heartland Educational Consortium, and the Panhandle Area Educational Consortium.

- Authorizing district school boards to reduce the renewal requirements for applicants on their initial 5-year professional certificate by 1 credit or 20 inservice hours if the applicant has been rated highly effective in at least 3 years of the 5-year validity period of his or her initial professional certificate.
- Authorizing teachers who taught at a private school during the 5-year validity period of his or her professional certificate and are now teaching in a school district can extend the expiration date of his or her professional certificate for a duration equivalent to the number of years taught at a private school, up to a maximum of 3 years, subject to specified documentation of employment and renewal requirements.

## **Teacher Apprenticeship Program**

### *Present Situation*

In 2023, the legislature created the Teacher Apprenticeship Program (TAP).<sup>20</sup> The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required administer the program in accordance with legislative intent regarding apprenticeship training<sup>21</sup> provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:<sup>22</sup>

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law<sup>23</sup> and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.<sup>24</sup>

A teacher who serves as a mentor in the TAP must:<sup>25</sup>

- Have at least 7 years of teaching experience in this state.
- Be rated as highly effective in the three most recent value-added model (VAM) scores or on the three most recent available performance evaluations if the teacher does not generate a state VAM score.
- Satisfy any other requirements established by the Department of Education.

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<sup>20</sup> Ch. 2023-38, s. 6, Laws of Fla.

<sup>21</sup> Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

<sup>22</sup> Section 1012.555, (2)(a)1.-4., F.S.

<sup>23</sup> “Team teaching” or “co-teaching” means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. Section 1003.03(5) (c), F.S.

<sup>24</sup> Section 1012.555(2)(c) and (d), F.S.

<sup>25</sup> Section 1012.555(3), F.S.

### ***Effect of Proposed Changes***

The bill modifies s.1012.555, F.S., by expanding eligibility for the teacher apprenticeship program by allowing candidates who are enrolled in a postsecondary institution to be eligible for the apprenticeship program, instead of requiring the candidate to have earned an associate degree prior to being eligible. The bill also aligns the GPA requirements for the TAP with the GPA requirements for the professional certificate.<sup>26</sup> The bill also reduces the teaching experience requirement for a mentor teacher in the TAP from 7 to 5 years.

### **Teaching Out-of-Field**

#### ***Present Situation***

As part of federal Every Student Succeeds Act (ESSA), states are required to report on how low-income and minority children enrolled in schools targeted for additional support and improvement are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.<sup>27</sup> In Florida, district school boards are required to adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities must be given to a teacher who is teaching out-of-field.<sup>28</sup> In the 2022-23 school year, 91 percent of teachers were teaching in-field.<sup>29</sup>

ESSA allows states to define what subject areas a teacher is certified to teach and be considered in-field. In Florida, the Course Code Directory provides the applicable certifications a teacher needs to teach specific subject areas.<sup>30</sup> Currently, teachers certified in exceptional student education (ESE) are only considered in-field when they are teaching Access<sup>31</sup> courses. Therefore a teacher would be considered out-of-field if he or she is teaching students with disabilities whose individual education plan (IEP) aligns their educational performance with courses that are based on the state academic standards.

#### ***Effect of the Proposed Changes***

The bill provides that a teacher who holds an educator certificate in ESE is considered in-field if he or she is teaching in a self-contained classroom. The bill defines a self-contained classroom as a classroom of exceptional students<sup>32</sup> taught by an educator who holds a certificate in ESE and who is responsible for instruction of all academic subjects.

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<sup>26</sup> Section 1012.56(2)(c), F.S., requires that each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

<sup>27</sup> 20 U.S.C. s.6311.

<sup>28</sup> Section 1012.42(1), F.S.

<sup>29</sup> Florida Department of Education, *In-field and Out-of-Field, 2022-23*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/IFOFFTeach2223.xlsx>, (last visited Nov. 8, 2023).

<sup>30</sup> Rule 6A-1.09441, F.A.C.

<sup>31</sup> Access courses are based on the Florida Standards Access Points (FS-APs) for English language arts and mathematics, and on the Next Generation Sunshine State Standards Access Points (NGSSS-APs) for science and social studies. Access Points are academic expectations written specifically for students with significant cognitive disabilities.

<sup>32</sup> Section 1003.01(9), F.S., defines an exceptional students as any student who has been determined eligible for a special program in accordance with rules of the State Board of Education (SBE). The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental

## **Certification of Adjunct and Nondegreed Teachers of Career Education**

### ***Present Situation***

#### Adjunct Educators

District school boards and charter school governing boards may adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the educator certificate general, subject matter, and background screening requirements and who has expertise in the subject area to be taught. Adjunct certificate holders are required to be used primarily as a strategy to enhance the diversity of course offerings offered to all students.<sup>33</sup> An applicant is considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test or has achieved an industry certification in the subject area to be taught.<sup>34</sup>

Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school. An additional annual certification and an additional annual contract may be awarded by the district or charter school at the district's or charter school's discretion but only if the applicant is rated effective or highly effective during each year of teaching under adjunct teaching certification. A school district and charter school may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 5 years and is nonrenewable.<sup>35</sup>

#### Nondegreed Teachers of Career Education

Each district school board is required to establish the minimal qualifications for part-time and full-time nondegreed teachers of career programs. The qualifications for such teachers must require the filing of a complete set of fingerprints for background screening and documentation of:<sup>36</sup>

- A high school diploma or the equivalent.
- Completion of 3 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.
- 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.
- Completion of an industry certification when state or national industry certifications are available and applicable.

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aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 9 years or through the student's completion of grade 2, whichever occurs first, or children, ages birth through 2 years, with established conditions that are identified in SBE rule.

<sup>33</sup> Section 1012.57(3), F.S.

<sup>34</sup> Section 1012.57(1), F.S.

<sup>35</sup> Section 1012.57 (4), F.S.

<sup>36</sup> Section 1012.39(1)(c), F.S.



### ***Effect of Proposed Changes***

The bill modifies s. 1012.57, F.S., to remove obsolete language that states that each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district or charter school and references additional annual certification and annual contracts. The five year validity already in law makes that language obsolete.

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree CTE teachers by removing the 3-year experience and specified training requirements.

### **Alternative Preparation Programs**

#### ***Present Situation***

A district school board, or an organization of private schools or a consortium of charter schools, of at least 10 member schools,<sup>37</sup> with an approved professional learning system,<sup>38</sup> may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program is required to be reviewed and approved by the Department of Education (DOE) to assure that persons who complete the program are competent in the necessary areas of subject matter specialization.<sup>39</sup>

Currently, 44 school districts operate their own DOE-approved professional learning certification programs.<sup>40</sup>

#### ***Effect of Proposed Changes***

The bill modifies ss.1004.88 and 1012.98, F.S., to allow the Florida Institute for Charter School Innovation (Institute) to develop a professional learning system to enable teachers at charter schools to add on coverages and endorsements to their certificates.

The Institute was established at Miami Dade College for the purpose of improving charter school authorizing practices in Florida.<sup>41</sup> The Institute is responsible for analyzing charter school applications and serving as a resource for best practices, providing training and technical assistance, conducting research related to charter schools and education choice, and collaborating with the DOE in developing the sponsor evaluation framework.<sup>42</sup>

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<sup>37</sup> Section 1012.98(7), F.S.

<sup>38</sup> Section 1012.98, F.S., defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

<sup>39</sup> Section 1012.575, F.S.

<sup>40</sup> Florida Department of Education, *Professional Learning Certification Programs*, <https://www.fldoe.org/teaching/preparation/plcp.stml> (last visited Nov. 6, 2023).

<sup>41</sup> Section 1004.88(1), F.S.

<sup>42</sup> Section 1004.88(2), F.S.

## Instructional Personnel Contracts and Salary Schedules

### *Present Situation*

#### Educator Contracts

Each person employed as a member of the instructional staff in any district school system is entitled to and must receive a written contract.<sup>43</sup> Three types of contracts are used to employ instructional personnel in Florida—continuing contracts, professional service contracts, and annual contracts.

An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause.<sup>44</sup> As of July 1, 2011, instructional personnel under an annual contract and personnel hired thereafter may only be employed on an annual contract basis. For newly hired instructional personnel, beginning in July 1, 2011, school districts are required to award a probationary contract and after successful completion of the probationary contract, the district school board may award an annual contract.<sup>45</sup> An annual contract may be awarded only if the employee:<sup>46</sup>

- Holds an active professional certificate or temporary certificate.
- Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation and approved by the district school board.
- Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Instructional personnel hired on or after July 1, 1984, and up to July 1, 2011, were awarded professional service contracts after three years of probationary service on annual contracts if certified, recommended for a professional service contract by the superintendent, and reappointed by the school board. Professional service contracts were automatically renewed each year, unless the employee was charged with unsatisfactory performance based upon his or her annual performance evaluation or the employee's performance evaluations indicate chronically ineffective performance.<sup>47</sup>

Instructional personnel hired before July 1, 1984, entered into continuing contracts upon meeting eligibility requirements. After completing three years of probationary service on annual contracts, an employee was eligible for a continuing contract if he or she was fully certified, recommended for a continuing contract by the superintendent, and reappointed by the school board. A continuing contract entitled the employee to continued employment without the

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<sup>43</sup> Section 1012.33(1)(a), F.S.

<sup>44</sup> Section 1012.335(1)(a), F.S.

<sup>45</sup> Section 1012.335(2)(a), F.S.

<sup>46</sup> Section 1012.335(2)(c), F.S.

<sup>47</sup> Section 1012.33(3), F.S.

necessity of annual renewal until discontinuation of the position, resignation, dismissal, or removal from continuing contract status.<sup>48</sup>

### Salary Schedules

District School Boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.<sup>49</sup> Additionally school districts are required to develop a compensation and salary schedule that includes:

- Grandfathered salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. In determining the grandfathered salary schedule for instructional personnel, a district school board is required to base a portion of each employee's compensation upon performance demonstrated under the districts evaluation system and must provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.<sup>50</sup>
- Performance salary schedules to be used as the basis for paying all school employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule. Performance salary schedules are required to provide annual salary adjustments for instructional personnel and school administrators based upon the personnel evaluation.<sup>51</sup>

As part of the performance salary schedule the base salary is required to include the following:<sup>52</sup>

- The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.
- Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator must be placed on the performance salary schedule.
- Salary adjustments for highly effective or effective performance must include the following:
  - The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.
  - The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.
  - A salary schedule must not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

<sup>48</sup> Section 231.36(3)(e), F.S. (1981). A continuing contract employee may be dismissed or returned to annual contract status for a period of three years based upon the recommendation of the district school superintendent, school principal, or a majority of the school board. Section 1012.33(4)(b), F.S.; see also s. 231.36(4), F.S. (1981).

<sup>49</sup> Section 1012.22(1), F.S.

<sup>50</sup> Section 1012.22(1)(c) 4., F.S.

<sup>51</sup> Section 1012.22(1)(c) 5., F.S.

<sup>52</sup> Section 1012.22(1)(c) 5.a.-b., F.S.

School districts are prohibited from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.<sup>53</sup> In addition, any compensation for longevity of service awarded to instructional personnel who are on the grandfathered salary schedule must be included in calculating the salary adjustments that give additional weight to the performance salary schedule.<sup>54</sup>

### *Effect of Proposed Changes*

#### Educator Contracts

The bill modifies s.1012.335, F.S., to allow instructional personnel hired on or after July 1, 2011, to be offered, beginning July 1, 2025, an instructional multiyear contract. An instructional multiyear contract is an employment contract for a period not to exceed 3 years which the district school board may choose to award upon completion of a probationary contract and at least one annual contract. The instructional multiyear contract may only be awarded to an employee if he or she:

- Holds an active professional certificate or temporary certificate;
- Has been recommended by the district school superintendent for the instructional multiyear contract based upon the individual's evaluation under and approved by the district school board; and
- Has not received an annual performance evaluation rating of unsatisfactory or needs improvement.

Additionally the bill requires that an employee awarded an instructional multiyear contract who receives an annual performance evaluation rating of unsatisfactory or needs improvement under must be returned to an annual contract in the following school year. Such evaluation rating must be included with the evaluation ratings under subsequent annual contracts for determinations of just cause.<sup>55</sup>

#### Salary Schedules

The bill modifies s.1012.22, F.S., to authorize district school board salary schedules to:

- Use advanced degrees in a salary adjustment for instructional personnel or school administrators hired on or after July 1, 2011, without the limit regarding individual's area of certification.
- Award salary adjustments for highly effective teachers between the performance and grandfathered salary schedules without the requirement that the annual salary adjustment under the performance salary schedule for an employee rated as highly effective be at least 25 percent greater than the highest annual salary adjustment under the grandfathered schedule.

<sup>53</sup> Section 1012.22(1)(c) 3. , F.S.

<sup>54</sup> Section 1012.22(1)(c) 5. , F.S. (flush left)

<sup>55</sup> Section 1012.33, F.S. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

- Award compensation for longevity without regard for comparable salary adjustments between the performance and grandfathered salary schedules.

## **Teacher Recruitment and Critical Teacher Shortage Areas**

### ***Present Situation***

#### Critical Teacher Shortage Areas

The State Board of Education (SBE) is required to adopt rules in order to annually identify areas where there is a critical teacher shortage.<sup>56</sup> Critical teacher shortage area is defined as the high-need content areas and high-priority location areas identified by the SBE.<sup>57</sup> In identifying critical teacher shortage areas, the SBE is required to consider current and emerging educational requirements and workforce demands.<sup>58</sup> The 2023-24 critical teacher shortage report published by the Florida Department of Education (DOE) identifies the following areas as those of high needs for 2023-2024:<sup>59</sup>

- Exceptional Student Education (ESE);
- English;
- Science-General;
- English for Speakers of Other Languages (ESOL);
- Reading;
- Science-Physical;
- Math; and
- Tech Education (CTE).

The report identifies that these high need areas account for 4,532 of the 8,888 projected vacancies for the 2023-2024 school year and 21,933 of the 55,405 courses that were taught by a teacher not certified in the appropriate field during the 2021-2022 school year.<sup>60</sup>

#### Teacher Recruitment

The DOE, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment and retention of qualified teachers.<sup>61</sup> To assist school districts in teacher recruitment the DOE must:<sup>62</sup>

- Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.
- Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions, if needed.
- Utilize state and nationwide toll-free numbers.

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<sup>56</sup> Section 1012.07, F.S.

<sup>57</sup> *Id.*

<sup>58</sup> Section 1012.07, F.S.

<sup>59</sup> Florida Department of Education, *Identification of High Demand Teacher Needs for 2023-24*, available at <https://www.fldoe.org/core/fileparse.php/20562/urlt/16-2.pdf>.

<sup>60</sup> *Id.*

<sup>61</sup> Section 1012.05(1), F.S.

<sup>62</sup> Section 1012.05(2)(a)-(n), F.S.

- Conduct periodic communications with district personnel directors regarding applicants.
- Provide district access to the applicant database by computer or telephone.
- Develop and distribute promotional materials related to teaching as a career, if needed.
- Publish and distribute information pertaining to employment opportunities, application procedures, and all routes toward teacher certification in Florida, and teacher salaries.
- Provide information related to certification procedures.
- Develop and sponsor the Florida Future Educator of America Program throughout the state.
- Identify best practices for retaining high-quality teachers.
- Create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching. The department shall consult with the Florida Center for Reading Research and the Just Read, Florida! Office in developing the guidelines.
- Develop and implement an online Teacher Toolkit that contains a menu of resources, based on the state academic standards that all teachers can use to enhance classroom instruction and increase teacher effectiveness, thus resulting in improved student achievement.
- Establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.
- Notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, the Florida Teachers Classroom Supply Assistance Program, death benefits for teachers, substantive legislation, rules of the SBE, and issues concerning student achievement.

Once the DOE has adopted the guidelines and identified best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching, each school district must adopt policies based on the DOE guidelines.<sup>63</sup> School districts are also required to electronically submit accurate public school e-mail addresses for all instructional and administrative personnel to DOE by September 15th and February 15th each school.

### ***Effect of Proposed Changes***

The bill modifies s.1012.07, F.S., by requiring the SBE to develop and publish strategies, in the Critical Teacher Shortage Areas report, to address the critical teacher shortages areas identified by the DOE. This may provide guidance and support to address shortages that school districts may adapt for local needs.

The bill modifies s. 1012.05, F.S., by authorizing school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill also reduces, from twice a year to once a year, the number of times school districts must electronically submit all instructional and administrative personnel to DOE. School districts will now be required to electronically submit public school e-mail addresses for all instructional and administrative personnel by September 15<sup>th</sup> each year.

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<sup>63</sup> Section 1012.05(3)(a), F.S.

## Personnel Evaluations

### *Present Situation*

#### Teacher Evaluation Systems

Under No Child Left Behind, states were required to develop and implement educator and school leader evaluation systems. The Every Student Succeeds Act removed the requirement, and instead allowed states and districts to develop and implement evaluation systems.<sup>64</sup>

#### Current Teacher Evaluation System Requirements

The Department of Education (DOE) is required to approve and monitor each school district's instructional personnel and school administrator evaluation systems.<sup>65</sup> Evaluation systems for instructional personnel and school administrators must:<sup>66</sup>

- Be designed to support effective instruction and student learning growth, and evaluation results must be used when developing district and school level improvement plans.
- Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.
- Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input performance evaluations when appropriate.
- Identify those teaching fields for which special evaluation procedures and criteria are necessary.
- Differentiate among four levels of performance as follows:
  - Highly effective.
  - Effective.
  - Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
  - Unsatisfactory.
- Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

Additionally, evaluation criteria must include:<sup>67</sup>

- Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

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<sup>64</sup> Education Commission on States, *ESSA: Quick Guides on top issues*, <https://www.ecs.org/wp-content/uploads/ESSA-Quick-guides-on-top-issues.pdf>, (last visited Nov. 8, 2023).

<sup>65</sup> Section 1012.34(1)(b), F.S.

<sup>66</sup> Section 1012.34(2)(a)-(f), F.S.

<sup>67</sup> Section 1012.34(3)(a), F.S.

- Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, must include indicators based upon each of the Florida Educator Accomplished Practices (FEAP) adopted by the State Board of Education (SBE). For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the FEAP and may include specific job expectations related to student support. This does not preclude a school administrator from visiting and observing classroom teachers throughout the school year for purposes of providing mentorship, training, instructional feedback, or professional learning.
- Instructional leadership.—For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the SBE, including performance measures related to the effectiveness of classroom teachers in the school, the administrator’s appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator’s performance evaluation.
- Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the SBE or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

#### Measure of Student Performance

Beginning in 2011, school districts were required to use the state’s learning growth model (Value-Added Model or VAM) for statewide assessment-related courses in educator evaluations; school districts could also request to use alternatives to the state growth model in educator evaluations.<sup>68</sup> Additionally, school districts were required to include that 50 percent of the educator evaluation system be based on student performance on the state’s learning growth. In Florida, VAM is used to measure the contribution of a teacher or school to student learning growth. VAM measures the difference in each student’s actual performance on a statewide assessment from that student’s expected performance, which accounts for specific student and classroom factors that impact the learning process. VAM scores are produced for the teachers of the following grades and subjects:<sup>69</sup>

- English Language Arts (4th–10th);
- Mathematics (4th–8th); and
- Algebra 1 (8th and 9th grades only).

In 2017, the requirement that school districts had to use VAM as the component for student performance was removed and school districts were allowed to develop their own measure of

<sup>68</sup> Ch. 2011-01 Laws of Fla.

<sup>69</sup> Florida Department of Education, *Florida’s Value-Added Models (VAM) Frequently Asked Questions* <https://www.fldoe.org/core/fileparse.php/7503/urlt/SAS-FLVAM-FAQ.pdf>, (Last visited Nov. 9, 2023).



student performance.<sup>70</sup> Although, VAM is not required to be used in school district evaluation systems, DOE requires that only educators with a highly-effective or effective VAM score are eligible for the UniSIG Supplemental Teacher and Administrator Allocation.<sup>71</sup> The VAM requirement for eligibility, generally excludes educators who teach in grades K-3, ESE and ESOL certified teachers, and science teachers.

### ***Effect of the Proposed Changes***

The bill modifies s.1012.34, F.S., to remove the requirement that a school district receive approval from the DOE on its personnel evaluation systems; however school districts must still submit the personnel evaluation systems to the DOE. The bill makes changes to the required components in a school district's evaluation system, by:

- Providing school districts flexibility on how to evaluate the instructional practice components for educators and instructional leadership components.
- Requiring that at least half of a performance evaluation must be based upon data and indicators of student performance.

The bill also prohibits the use of VAM as the sole determinant for any incentive pay for instructional personnel or school administrators.

### **Assignment of Teachers**

#### ***Present Situation***

A school district is prohibited from assigning a higher percentage than the district average of temporarily certified teachers, teachers in need of improvement, or out-of-field to schools that are graded “D” or “F” if the individual:<sup>72</sup>

- Has received an effective rating or highly effective rating in the immediate prior year's performance evaluation;
- Has successfully completed or is enrolled in a teacher preparation program pursuant to or a teacher preparation program specified in State Board of Education rule, is provided with high quality mentoring during the first 2 years of employment, holds a certificate and holds a probationary contract pursuant; or
- Holds a probationary contract and has successful teaching experience, and if, in the judgment of the school principal, students would benefit from the placement of that individual.

Florida defines an “Ineffective Teacher,” “Inexperienced Teacher” and “Out-of-Field Teacher” as the following:<sup>73</sup>

- Ineffective Teacher: A teacher who has received a summative performance evaluation rating of unsatisfactory.

<sup>70</sup> Ch.2017-116, Laws of Fla.

<sup>71</sup> Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023). The UniSIG STAA grant allocates funding for districts to recruit teachers, to low-performing schools who have a rating of highly effective or effective according to VAM. Educators with a highly-effective VAM rating can receive up to \$15,000 and educators with an effective VAM rating can receive up to \$7,000.

<sup>72</sup> Section 1012.2315, F.S.

<sup>73</sup> Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan*, (September 24, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, (last visited Nov. 8, 2023).

- Inexperienced Teacher: A teacher who has been teaching less than four years or teacher who holds a Temporary Certificate.<sup>74</sup>
- Out-of-Field Teacher: A teacher assigned as the primary instructor for a course in a subject for which the teacher is not appropriately qualified based on the requirements articulated in the Course Code Directory.

In recruiting high-quality teachers to low-performing schools, school district collective bargaining provisions may not preclude a school district from providing incentives and assigning teachers to their low-performing schools.<sup>75</sup>

### *Effect of Proposed Changes*

The bill modifies s. 1012.2315, F.S., by defining an inexperienced teacher as a teacher with two or fewer years of experience, aligning Florida’s definition of an inexperienced teacher with the National Council on Teacher Quality’s (NCTQ) definition of an inexperienced teacher.<sup>76</sup>

Additionally, the bill shifts from temporarily certified teachers to inexperienced teachers the prohibition on school districts assigning a higher percentage to schools graded “D” or “F” than the school district average. This provides additional flexibility to school districts in the appointment of effective teachers on a temporary certificate. The bill adds that school district collective bargaining provisions may not preclude a district from providing incentives using federal Title I funds.

## **Voluntary Prekindergarten Program Instructor Training**

### *Present Situation*

Each public school and private provider must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:<sup>77</sup>

- The prekindergarten instructor must hold, at a minimum, one of the following credentials:
  - A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or
  - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described above.
- The prekindergarten instructor must successfully complete, prior to assignment to that classroom, three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training

<sup>74</sup> Florida Department of Education, *Every Student Succeeds Act (ESSA) State Plan*, (September 24, 2018), available at <https://www.fldoe.org/core/fileparse.php/14196/urlt/FL-ESSA-StatePlan.pdf>, (last visited Nov. 8, 2023). In 2018, at the time of the ESSA state plan submission, Florida’s temporary certificate was valid for three school fiscal years. The 2023 Legislature passed HB 1 (Ch. 2023-16, Laws of Fla.) to increase the validity period of the temporary certificate to five school fiscal years.

<sup>75</sup> Section 1012.2315, (4) F.S.

<sup>76</sup> National Council on Teacher Quality, *ESSA Educator Equity Best Practices Guide*, available at [https://www.nctq.org/dmsView/NCTQ\\_ESSA\\_Educator\\_Equity\\_Best\\_Practices\\_Guide-Round\\_1](https://www.nctq.org/dmsView/NCTQ_ESSA_Educator_Equity_Best_Practices_Guide-Round_1), (last visited Nov. 8, 2023). NCTQ recommends states should define an inexperienced teacher as a teacher with two or fewer years of experience. Research demonstrates that teachers in their first two years of teaching are significantly less effective than experienced teachers, with the gap substantially narrowing by year three.

<sup>77</sup> Sections 1002.55(3)(c) and 1002.63(4), F.S. (private providers and public schools, respectively).

course approved by the Department of Education as meeting or exceeding the minimum standards specified in law. The prekindergarten instructor must complete an emergent literacy training course at least once every five years after initially completing the three emergent literacy training courses. The courses must be made available online or in person.

### *Effect of Proposed Changes*

The bill modifies s. 1002.55, F.S., to specify that a newly-hired prekindergarten instructor must complete the three emergent literacy training courses within 60 calendar days after being hired if the instructor has not already completed the courses.

## **School Bus Drivers**

### *Present Situation*

Federal law requires that drivers of commercial vehicles meet the following criteria:<sup>78</sup>

- Is at least 21 years old;
- Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;
- Is physically qualified to drive a commercial motor vehicle;
- Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction;
- Is not disqualified to drive a commercial motor vehicle under the rules in § 391.15;<sup>79</sup> and
- Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test.

Florida law provides that in addition to the requirements of 49 C.F.R. s.391, the Commissioner of Education is authorized to prescribe additional qualifications for school bus drivers through State Board of Education (SBE) rule.<sup>80</sup> At the time of initial employment a school board is required that a school bus driver meets the following requirements:<sup>81</sup>

- Has five years of licensed driving experience.
- Has submitted to the superintendent a written application for employment in a form prescribed by the district school board.
- Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

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<sup>78</sup> 49 C.F.R. s. 391.

<sup>79</sup> 49 C.F.R. s. 391.15 provides the disqualifying offenses for drivers of commercial motor vehicles, i.e. driving under the influence and transportation of controlled substances.

<sup>80</sup> Section 1012.45(1), F.S.

<sup>81</sup> Rule 6A-3.0141(2), F.A.C.

Following verification of the initial requirements and prior to transporting students school bus drivers must:<sup>82</sup>

- Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.
- Successfully complete 40 hours of preservice training, which must include certified cardiopulmonary resuscitation (CPR) and first aid training, and must consist of at least 20 hours of classroom instruction and 8 hours of behind-the-wheel training. The classroom instruction and behind-the-wheel training must be based upon the Department of Education's Basic School Bus Operator Curriculum, Revised 2021.
- Demonstrate the ability to prepare required written reports.
- Be physically capable of operating the vehicle as determined by physical examination, as evidenced by the Medical Examiner's Certificate given by a certified medical examiner, registered with the National Registry of Certified Medical Examiners, and as determined by a dexterity test administered by the school district
- Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator.

Additionally, on an annual basis school bus drivers must:<sup>83</sup>

- Successfully complete a minimum of eight hours of inservice training related to the operator's responsibilities for transporting students, which may include training hours from the required certified CPR and first aid training.
- Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

### ***Effect of the Proposed Changes***

The bill modifies s. 1012.45, F.S., to remove rulemaking authority from the SBE regarding additional requirements for school district bus drivers. The change provides the authority to district school boards to adopt requirements for school bus drivers and bus attendants. The provision includes specific training requirements for district school board rules, including CPR, first aid, and transportation of students with special needs.

### **Dale Hickam Excellent Teaching Program**

#### ***Present Situation***

The Dale Hickam Excellent Teaching Program was created to provide funding for bonuses for teaching excellence. The bonuses were provided for initial certification for up to one 10-year period. The Department of Education was required distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. Bonuses were provided to teachers who attained the National Board for Professional Teaching Standards (NBPTS) certification.<sup>84</sup> In 2008 and thereafter, teaching candidates could still pursue the NBPTS certification, but at their own expense or with district support.<sup>85</sup>

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<sup>82</sup> Rule 6A-3.0141(3), F.A.C.

<sup>83</sup> Rule 6A-3.0141(7), F.A.C.

<sup>84</sup> Section 1012.72(1), F.S.

<sup>85</sup> Ch. 2008-142, s. 14, Laws of Fla.

### *Effect of Proposed Changes*

The bill repeals the Dale Hickam Excellent Teaching Program in s. 1012.72, F.S.

### **Collective Bargaining**

#### *Present Situation*

The State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”<sup>86</sup> To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.<sup>87</sup> Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.<sup>88</sup> Regardless of union membership, each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee’s position. Through collective bargaining, public employees<sup>89</sup> collectively negotiate with their public employer<sup>90</sup> in the determination of the terms and conditions of their employment.<sup>91</sup> The Public Employees Relations Commission (PERC) is responsible for assisting in resolving disputes between public employees and public employers.<sup>92</sup>

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.<sup>93</sup> Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.<sup>94</sup> Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.<sup>95</sup>

A district school board or charter school governing board that is unable to meet the annual reporting requirements of classroom teacher and other instructional personnel salary increase due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.<sup>96</sup>

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<sup>86</sup> FLA. CONST. art. 1, s. 6.

<sup>87</sup> Section 447.201, F.S.

<sup>88</sup> Section 447.301(1) and (2), F.S.

<sup>89</sup> Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except for specified exceptions, including Governor appointments, elected officials, employer negotiating representatives, specified managerial or confidential employees, employees of the Florida Legislature, inmates, specified vegetable inspectors, PERC employees, and part-time student workers at a state university.

<sup>90</sup> The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

<sup>91</sup> Section 447.301(2), F.S.

<sup>92</sup> Section 447.201(3), F.S.

<sup>93</sup> Section 447.309(1), F.S.

<sup>94</sup> Section 447.309(1), F.S.

<sup>95</sup> *Id.*

<sup>96</sup> Section 1011.62(14)(e), F.S.

### Certified Bargaining of Educational Personnel

Through the process of collective bargaining, a number of teacher unions have negotiated provisions that go beyond the wages, hours, and terms and conditions of employment of the employees. For example, in Miami-Dade Public Schools and the United Teachers of Dade agreement, the United Teachers of Dade requested the creation of the following joint tasks:

- School Calendar – where the parties agree to discuss the development of all aspects of the official school calendar for each year of the contract through a joint Calendar Committee.<sup>97</sup>
- Francisco R. Walker Teacher of the Year Task Force –The task is be to determine the Francisco R. Walker Miami-Dade County Teacher of the Year.<sup>98</sup>
- Reports and Forms Control Task Force -- The committee reviews procedures for eliminating, revising, reducing, or consolidating paperwork and data collection requirements within the school district and will submit an annual report of its findings to the Superintendent and the UTD President or Designee by May 1.<sup>99</sup>
- Education Facilities Planning Committee – where the committee consisting of union members is involved in the various design stages on new school facilities.<sup>100</sup>

The contract between the School Board of Orange County and the Orange County Classroom Teachers Association created a Faculty Advisory Committees at each school, which provides feedback on:<sup>101</sup>

- A rotation plan composed of available staff to substitute in case of emergency.
- The purchase and distribution of instructional equipment, materials and supplies.
- Student discipline plans, which may include guidelines for referral of students into alternative education settings.
- The disposition of discipline referrals in a timely manner.
- Additional safeguards to deal with acts of violence, including those involving weapons, and procedures for notification of teachers when their students have been found to have carried a weapon on campus.
- Other concerns of the faculty which may result in a smoother operation of the school.
- Any school-wide drives or collection of money which involve teachers shall not be approved until such have been discussed with the Faculty Advisory Committee.

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<sup>97</sup> Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 171, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?rnd=1677258385309>, (last visited Nov. 9, 2023).

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 186, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?rnd=1677258385309>, (last visited Nov. 9, 2023).

<sup>101</sup> Orange County Public Schools and the Orange County Classroom Teachers Association Contract, at 97, [https://cdnsm5-ss15.sharpschool.com/UserFiles/Servers/Server\\_54619/File/Departments/Human%20Resources/Labor%20Relations/CTA/CTA%20Contract%2022-23%20--%20FINAL.pdf](https://cdnsm5-ss15.sharpschool.com/UserFiles/Servers/Server_54619/File/Departments/Human%20Resources/Labor%20Relations/CTA/CTA%20Contract%2022-23%20--%20FINAL.pdf), (last visited Nov. 9, 2023).

***Effect of Proposed Changes***

The bill modifies s.1012.22, F.S., to allow district school board collective bargaining, may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

- Providing incentives to effective and highly effective teachers.
- Implementing school improvement plans under s. 1008.33 to address the causes of low student performance and improve student academic performance and attendance.
- Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.
- Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.
- The school district's calendar.
- The award of instructional multiyear contracts.

Additionally, the bill requires that if district school superintendent appears before the state board to provide an update on an impasse, the state board must require that the president of the school district bargaining unit also must appear.

The bill takes effect on July 1, 2024.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.451, 1002.55, 1004.04, 1004.85, 1004.88, 1011.6202, 1012.05, 1012.07, 1012.22, 1012.2315, 1012.335, 1012.34, 1012.39, 1012.42, 1012.45, 1012.555, 1012.56, 1012.57, 1012.575, 1012.585, 1012.586, and 1012.98.

This bill repeals the following sections of the Florida Statutes: 1012.72.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Fiscal Policy on December 12, 2023:**

The committee substitute:

- Changes the time that a VPK instructor has to complete the emergent literacy courses from 30 to 60 days after hire.
- Adds “effective” teachers to “highly effective” teachers to those individuals for which collective bargaining may not preclude a district from providing incentives.
- Changes “teachers” to “applicants” for the 10-year professional certificate, which expands the personnel eligible for the certificate; provides for a transition to a 10-year certificate if an evaluation is not completed in time for the application; and, requires that 6 credits (or equivalent hours) must be completed in the first 5 years of a 10-year professional certificate.



B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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