

Public Schools
School Personnel Issues



Teacher Recruitment, Retention, and Recognition

What is the projected need for teachers in Florida?

In February 2007, the Department of Education (DOE) estimated that Florida will need approximately 17,000 to 23,000 public classroom teachers per year between the 2007-2008 and 2016-2017 school years.¹ The estimate considered several factors influencing teacher demand, including the rates of teacher terminations (*i.e.*, resignations, dismissals, staff reductions, expired contracts, and deaths) and retirements, enrollment growth, and the effects of the class size reduction amendment to the State Constitution.²

In December 2008, however, the Education Estimating Conference forecasted a decline in public school student enrollment for prekindergarten through grade 12 for the 2008-2009 through 2010-2011 school years, but an increase in enrollment in the 2011-2012 school year:³

	Student Enrollment Growth (Unweighted full-time equivalent (FTE) student enrollment)			
	2008-2009 <i>Estimated</i>	2009-2010 <i>Projected</i>	2010-2011 <i>Projected</i>	2011-2012 <i>Projected</i>
Total PreK-12 Student Enrollment	2,613,734.65	2,602,108.51	2,601,818.95	2,617,482.47
Enrollment Growth	-17,542.45 <i>Over/Under</i> <i>2007-2008</i>	-11,626.14 <i>Over/Under</i> <i>2008-2009</i>	-289.56 <i>Over/Under</i> <i>2009-2010</i>	15,663.52 <i>Over/Under</i> <i>2010-2011</i>

What subject areas have a critical need for teachers?

Florida law identifies mathematics, science, and career education as critical teacher shortage areas. The State Board of Education is annually required to identify other critical teacher shortage areas;⁴ and, for the 2008-2009 school year, the board identified the following critical teacher shortage areas:

- ❖ Middle and high school level mathematics;
- ❖ Middle and high school level science;
- ❖ Middle and high school level English/language arts;
- ❖ Reading;

¹ Florida Department of Education, *Project Number of Teachers Needed, Florida Public Schools*, 1 (Feb. 2007), available at http://www.fldoe.org/evaluation/pdf/tchr_proj_feb07_text_rpt.pdf.

² *Id.* at 4-7; see § 1(a), Art. IX of the State Constitution; Class Size Fact Sheet.

³ Education Estimating Conference, Public Schools Estimating Conference, December 12, 2008, Executive Summary (Florida Legislature, Office of Economic and Demographic Research Dec. 15, 2008), available at http://edr.state.fl.us/conferences/publicschools/DEC%202008_Executive%20Summary.pdf. The Education Estimating Conference is responsible for developing official information relating to the state public and private educational system, including forecasts of student enrollment. Section 216.136(4), F.S.

⁴ Section 1012.07(1), F.S.; see also s. 1009.57(1), F.S.

- ❖ Exceptional Student Education (ESE) programs;
- ❖ English for Speakers of Other Languages (ESOL);
- ❖ Foreign languages; and
- ❖ Technology education/industrial arts.⁵

A tuition reimbursement program and a student loan forgiveness program have been established to address the need for additional teachers in these critical teacher shortage areas. For the 2008-2009 fiscal year, the Legislature provided \$2.5 million for these programs.⁶

- ❖ **Critical Teacher Shortage Tuition Reimbursement Program.** The program provides tuition reimbursement for college courses in limited teacher shortage areas taken by a full-time public school employee or a laboratory school employee certified to teach in Florida.⁷ The program reimburses up to 36 semester hours and is limited to 9 semester hours per year at \$14 per semester hour.⁸ Program participants must earn a minimum grade of 3.0 (“B”) to receive reimbursement for a course.⁹ Approximately 700 employees received tuition reimbursements during the 2008-2009 fiscal year.¹⁰
- ❖ **Critical Teacher Shortage Loan Forgiveness Program.** The program provides for repayment of the borrowed principal of college student loans to a first-time teacher earning certification in a critical teacher shortage area.¹¹ The program reimburses a full-time teacher who completes a full year of teaching service \$886 (graduate loans) or \$443 (undergraduate

⁵ Florida Department of Education, *Critical Teacher Shortage Areas 2008-2009*, 1 (Feb. 2008), available at <http://www.fldoe.org/evaluation/pdf/crit1200.pdf>; see rule 6A-20.0131, F.A.C.

⁶ Specific Appropriation 74, § 2, ch. 2008-152, L.O.F.

⁷ Section 1009.58(2), F.S.; see also Florida Department of Education, Office of Student Financial Assistance, *2008-2009 Critical Teacher Shortage Tuition Reimbursement Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-TR.htm> (last visited Jan. 10, 2009).

⁸ Section 1009.58(3), F.S.; rule 6A-20.012(4), F.A.C. Current law authorizes tuition reimbursement of up to \$78 per semester hour, subject to funding. Section 1009.58(3) & (4). For fiscal year 2008-2009, the per semester hour funding was prorated to \$14 per semester hour. See Education Estimating Conference, *Student Financial Aid Enrollment Conference Workpapers, Attachment C: Critical Teacher Shortage Programs*, 3 (Office of Economic and Demographic Research, Nov. 25, 2008), available at http://edr.state.fl.us/conferences/financialaid/sfa112508_Workshop%20Handouts.pdf [hereinafter *EDR Attachment C*].

⁹ Section 1009.58(3), F.S.

¹⁰ *EDR Attachment C*, *supra* note 8.

¹¹ Section 1009.59(1), F.S.; see also Florida Department of Education, Office of Student Financial Assistance, *2008-2009 Critical Teacher Shortage Loan Forgiveness Program Fact Sheet*, <http://www.floridastudentfinancialaid.org/SSFAD/factsheets/CTS-LF.htm> (last visited Jan. 10, 2009).

loans).¹² An eligible teacher may receive the award for up to 4 years.¹³ Approximately 4,310 teachers received loan forgiveness during the 2008-2009 fiscal year.¹⁴

What does Florida do to recruit and retain teachers?

Current law directs DOE to concentrate on the recruitment and retention of qualified teachers. DOE is directed to cooperate in this effort with teacher organizations, district personnel offices, schools, and public and private colleges and universities.¹⁵ DOE must, for example:

- ❖ Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants;
- ❖ Advertise in major newspapers, national professional publications, and other professional publications and in public and private colleges and universities;
- ❖ Use state and nationwide toll-free numbers;
- ❖ Communicate 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;
- ❖ Publish and distribute information pertaining to employment opportunities, application procedures, teacher certification, and teacher salaries; and
- ❖ Identify best practices for retaining high-quality teachers.¹⁶

The following programs and services have been established to recruit and retain Florida teachers:

- ❖ **Teach in Florida.** DOE maintains an online statewide teacher recruitment website.¹⁷ Teachers interested in teaching positions in Florida can post their résumés, search for jobs, and review job listings posted by school districts.¹⁸ The website also includes contact information for Florida school district recruiters and includes information about educator certification requirements and professional development.¹⁹

¹² Current law authorizes loan forgiveness of up to \$2,500 a year for 4 years (undergraduate loans) or \$5,000 a year for 2 years (graduate loans), from funds available. Section 1009.59(2)(a) & (b), F.S. For fiscal year 2008-2009, funding for loan forgiveness was prorated to \$886 per year for graduate loans and \$443 per year for undergraduate loans. *EDR Attachment C, supra* note 8.

¹³ Under rule 6A-20.013(5) & (6), F.A.C., DOE authorizes an eligible teacher to receive loan forgiveness for up to 4 years, not to exceed \$10,000.

¹⁴ *EDR Attachment C, supra* note 8.

¹⁵ Section 1012.05(1), F.S.

¹⁶ Section 1012.05(2), F.S.

¹⁷ Florida Department of Education, *Teach in Florida*, <http://www.teachinflorida.com> (last visited Jan. 10, 2009).

¹⁸ See Florida Department of Education, *Teaching Opportunities in Florida*, <http://www.fldoe.org/profdev/recruit.asp> (last visited Jan. 10, 2009).

¹⁹ See Florida Department of Education, *Recruitment Contacts*, <http://www.teachinflorida.com/Recruitment/RecruitmentContacts/tabid/81/Default.aspx> (last visited Jan. 10, 2009); Florida Department of Education, *Educator Preparation*, <http://www.teachinflorida.com/Preparation/tabid/60/Default.aspx> (last visited Jan. 10, 2009); Florida Department of Education, *Professional Development*, <http://www.teachinflorida.com/ProfessionalDevelopment/tabid/61/Default.aspx> (last visited Jan. 10, 2009).

- ❖ **Great Florida Teach-In.** DOE is required, in cooperation with district personnel offices, to sponsor a job fair in the central part of the state to match educators and potential educators with teaching opportunities in Florida.²⁰ Commonly referred to as the Great Florida Teach-In, more than 1,100 teacher candidates, 20 school districts, and 16 charter schools attended the job fair on June 25-27, 2008, in Lakeland.²¹
- ❖ **Teachers-Teachers.com.** In 2007, DOE purchased a full membership to Teachers-Teachers.com for all Florida public school districts and charter schools from July 1, 2007, through June 30, 2010. This online educator recruitment service is designed to help school systems overcome the challenges of finding the most qualified educational personnel in all subject areas and recruiting them. The service allows school districts to post job openings, conduct searches for candidates, and send mass emails to targeted groups of candidates.²²
- ❖ **Minority Teacher Education Scholars Program.** The Legislature created the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida.²³ The fund administers the Minority Teacher Education Scholars Program, which provides annual scholarships of \$4,000 to minority students who are admitted to a teacher education program and who are enrolled in their junior year at one of Florida's public or private universities. A student may receive a scholarship for 3 consecutive years and is not required to repay the scholarship if he or she is employed as a teacher in a Florida public school for each year that the teacher received the scholarship.²⁴ For the 2008-2009 fiscal year, more than \$3 million was provided for the program.²⁵
- ❖ **Florida Troops to Teachers Program.** Florida participates in the federal Troops-to-Teachers Program.²⁶ The program is available to current and former members of the U.S. Armed Forces, including members of the Armed Forces Reserves, who have a baccalaureate or advanced degree and aspire to be an elementary or secondary school teacher.²⁷ The Florida Troops to Teachers Program is a referral and placement assistance service that helps eligible military personnel begin a new career as a public school teacher. The program provides

²⁰ Section 1012.05(4), F.S.

²¹ E-mail from Director of Recruitment, Florida Department of Education, to Staff Director, PreK-12 Policy Committee, Florida House of Representatives (Nov. 4, 2008).

²² Memorandum from Chancellor of K-12 Public Schools, Florida Department of Education, to District School Superintendents et al. (July 31, 2007), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4531/k12-07-119memo.pdf>; Teachers-Teachers.com, <http://www.teachers-teachers.com/florida> (last visited Jan. 10, 2009).

²³ Section 439, ch. 2002-387, L.O.F.; § 1009.605, F.S.; see Florida Fund for Minority Teachers, Inc., <http://www.ffmt.org> (last visited Jan. 10, 2009).

²⁴ Section 1009.60(1), (3) & (5), F.S.

²⁵ Specific Appropriation 71, § 2, ch. 2008-152, L.O.F.

²⁶ 20 U.S.C. §§ 6671-6677; see Florida Department of Education, *Florida Troops to Teachers*, <http://www.fldoe.org/profdev/troopste.asp> (last visited Jan. 10, 2008) [hereinafter *Florida Troops to Teachers*]; see also Defense Activity for Non-Traditional Education Support (DANTES), *Troops to Teachers: Proud to Serve Again*, <http://www.proudtoserveagain.com> (last visited Jan 10, 2009).

²⁷ See U.S. Department of Education, *Guide to U.S. Department of Education Programs*, 272-73 (June 2008), available at <http://www.ed.gov/programs/gtep/gtep.pdf> [hereinafter *USDOE Program Guide*].

counseling assistance on teacher certification and employment. Two forms of financial assistance are provided to qualified participants: a stipend of up to \$5,000 toward the cost of meeting the state's certification requirements or a bonus of \$10,000 if employed in a high-need school. Participants who accept the financial assistance must teach for a minimum of 3 years.²⁸

- ❖ **Transition to Teaching.** Florida also participates in the federal Transition to Teaching Program.²⁹ The program focuses on recruitment, mentoring activities, and incentives to attract mid-career professionals, paraprofessionals, and recent graduates from colleges of arts and sciences to fill vacancies in critical shortage areas in high-need schools. The program funds participation in alternative certification programs to help candidates become highly qualified teachers. DOE currently partners with seven school districts to recruit, train, and support teacher candidates through the program.³⁰ In Florida, to receive a grant from the program, a participant must agree to teach in an eligible school district in the state for at least 3 years after certification.³¹
- ❖ **Florida Future Educators of America.** DOE is charged with developing and sponsoring the Florida Future Educator of America Program throughout the state.³² Since 1986, DOE has provided assistance to schools in starting and maintaining chapters of Florida Future Educators of America, which are precollegiate and collegiate teacher recruitment programs. The program provides a forum for students to become aware of career opportunities in education and nurtures their interest in teaching as a career. DOE annually coordinates state conferences for collegiate chapters and senior high school members.³³
- ❖ **Professional Development.** To renew a professional certificate, an educator must, before the end of the certificate's 5-year validity period, earn at least 6 college credits from an accredited or DOE-approved institution of higher learning or the equivalent (*i.e.*, 120 inservice points) earned through a Florida school district's inservice education activities.³⁴ Professional development activities focus primarily on subject content and teaching methods, classroom management, and school safety. For 2007-2008, school districts offered more than 11.5 million inservice hours.³⁵ In addition, under the *No Child Left Behind Act of 2001*,³⁶ the Federal Government provides grants to states and school districts under Title II, Part A, for

²⁸ *Florida Troops to Teachers*, *supra* note 26.

²⁹ 20 U.S.C. §§ 6681-6684; § 1012.58, F.S.; see Florida Department of Education, *Transition to Teaching*, <http://www.teachinflorida.com/Preparation/TransitiontoTeaching/tabid/198/Default.aspx> (last visited Jan. 10, 2009) [hereinafter *Florida Transition to Teaching*].

³⁰ *USDOE Program Guide*, *supra* note 27, at 271-272; *Florida Transition to Teaching*, *supra* note 30.

³¹ Section 1012.58(4)(a), F.S.

³² Section 1012.05(2)(i), F.S.

³³ Florida Department of Education, *Florida Future Educators of America (FFEA)*, <http://www.fldoe.org/profdev/ffea.asp> (last visited Jan. 10, 2008).

³⁴ Section 1012.585(3)(a), F.S.; see Teacher Certification Fact Sheet.

³⁵ Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/profdev/inserv.asp> (last visited Jan. 10, 2008).

³⁶ *No Child Left Behind Act of 2001*, Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002), available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ110.107.pdf.

the recruitment, retention, and professional development of highly qualified teachers.³⁷ For fiscal year 2008-2009, Florida school districts will receive approximately \$126 million in Title II, Part A funding.³⁸

- ❖ **Mentoring.** Each school district is required to adopt policies relating to mentors and support for first-time teachers.³⁹

What does Florida do to recognize outstanding teacher performance?

The following programs have been established to recognize and reward Florida's highly qualified teachers:

- ❖ **Florida Teacher of the Year.** DOE is required to establish application and selection procedures for determining an annual teacher of the year. The Commissioner of Education must establish a selection committee that ensures representation from teacher organizations, administrators, and parents to select the teacher of the year from among the district teachers of the year.⁴⁰ All full-time, public school classroom teachers, prekindergarten through grade 12, adult education teachers, postsecondary vocational/technical education teachers, guidance counselors, media specialists, and departmental chairs who actively engage in classroom teaching are eligible for nomination as Florida Teacher of the Year.⁴¹ The teacher of the year serves as the state's Ambassador of Education under the Christa McAuliffe Ambassador for Education Program, which provides salary, travel, and related expenses for the teacher of the year to promote the positive aspects of teaching as a career.⁴² Each school district's teacher of the year receives \$500 from DOE. The Florida Teacher of the Year receives a \$2,500 award, and each finalist receives a \$500 award, from DOE. In addition, DOE coordinates with corporate sponsors to provide additional awards. The 2009 Florida Teacher of the Year will receive a \$10,000 award, a customized trophy, and an all-expenses paid trip to the Thanksgiving Day Parade in New York City from the corporate sponsor. The corporate sponsor will also present a \$5,000 check and \$500 gift card to each of the four finalists and a \$1,000 grant to each of the finalists' schools.⁴³

³⁷ 20 U.S.C. §§ 6611-6623; see No Child Left Behind (NCLB) Act Fact Sheet.

³⁸ Florida Department of Education, *Title II-A, Teacher and Principal Training and Recruiting Funds*, <http://www.fldoe.org/profdev/titleii.asp> (last visited Jan. 10, 2008); see Specific Appropriation 102, § 2, ch. 2008-152, L.O.F.; Florida House of Representatives, *Teacher Professional Development Programs in Florida*, 12 (Jan. 2008), available at

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2368&Session=2008&DocumentType=Reports&FileName=Teacher%20Professional%20Development%20Programs%20in%20Florida.pdf>.

³⁹ Section 1012.05(3)(a), F.S.

⁴⁰ Section 1012.77(3), F.S.

⁴¹ Florida Department of Education, *Florida Department of Education Macy's Teacher of the Year – 2009*, <http://www.fldoe.org/profdev/yeartch.asp> (last visited Jan. 10, 2009) [hereinafter *Teacher of the Year*].

⁴² Section 1012.77(2) & (4)(a), F.S.

⁴³ *Teacher of the Year*, *supra* note 41.

- ❖ **School-Related Employee of the Year.** DOE administers the School-Related Employee of the Year Program. The program is modeled after the Teacher of the Year Program and provides for one school-related employee of the year to be nominated by each district school board. DOE’s selection process must provide for the five top finalists to receive awards.⁴⁴ The current selection process honors one statewide school-related employee of the year and four regional finalists. Noncertified, noninstructional educational support personnel who serve at the school or district level (such as teacher aides, library aides, bookkeepers, secretaries and clerks, bus drivers, food service staff, custodians, building maintenance workers, warehouse workers, mechanics, school resource officers, and office managers) may be nominated. Nominees may be full-time or part-time employees. Each school district’s nominee receives an award of \$200, while the regional finalists each receive a \$500 award, and the Florida School-Related Employee of the Year receives a \$1,000 award.⁴⁵

- ❖ **Milken Family Foundation National Educator Awards.** An independent committee appointed by DOE makes nominations to the Milken Family Foundation, from which final selections for the national educator awards are made.⁴⁶ The award criteria include:
 - ◆ Exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom and school;
 - ◆ Exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession;
 - ◆ Strong long-range potential for professional and policy leadership; and
 - ◆ An engaging and inspiring presence that motivates and impacts students, colleagues, and the community.⁴⁷The Milken Family Foundation provides each recipient a \$25,000 award which is presented at a national professional development conference.⁴⁸

- ❖ **Educator Appreciation Week.** DOE must establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.⁴⁹ The Educator Appreciation Week is commonly referred to as the “Teacher Appreciation Week,” which was celebrated on May 4-10, 2008. DOE solicited the assistance of 30 Florida businesses that provided special discounts to teachers during the 2008 Teacher Appreciation Week.⁵⁰

⁴⁴ Section 1012.21(5), F.S.

⁴⁵ Florida Department of Education, *Florida School-Related Employee of the Year – 2008*, <http://www.fldoe.org/profdev/yearemp.asp> (last visited Jan. 10, 2009).

⁴⁶ See Milken Family Foundation, *Milken Educator Awards*, <http://www.mff.org/mea/mea.taf> (last visited Jan. 10, 2008).

⁴⁷ Florida Department of Education, *Press Release: Milken Award, Dubbed the “Oscar of Teaching,” Presented to Miami-Dade Elementary School Teacher* (Nov. 19, 2008), available at http://www.fldoe.org/news/2008/2008_11_19.asp.

⁴⁸ *Id.*

⁴⁹ Section 1012.05(2)(p), F.S.

⁵⁰ Florida Department of Education, *2008 Teacher Appreciation Week Newsletter*, http://www.fldoe.org/justforteachers/newsletters/2008_TAW (last visited Jan. 10, 2009).

Where can I get additional information?

Department of Education

Bureau of Educator Recruitment, Development and Retention

(850) 245-0435

<http://www.fldoe.org/profdev>

Florida House of Representatives

Education Policy Council

(850) 488-7451

<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development

(850) 488-6204

<http://www.myfloridahouse.gov>



Who must be certified?

Classroom teachers and other public school employees serving in an instructional capacity must be certified.⁵¹ The purpose of certification is to protect the educational interests of students, parents, and the public at large by assuring that teachers in this state are professionally qualified.⁵²

What types of educator certification are available?

DOE issues three types of educator certificates:

- ❖ **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.⁵³ It is valid for 5 years and is renewable.⁵⁴
- ❖ **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.⁵⁵ It is valid for 3 years and is nonrenewable.⁵⁶
- ❖ **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.⁵⁷ Department of Education (DOE) issues two types of athletic coaching certificates: one is valid for 5 years and is renewable, and the other is valid for 3 years and is nonrenewable.⁵⁸

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject areas to be taught. An adjunct teaching certificate is valid for 5 years and is renewable.⁵⁹

⁵¹ Section 1012.55(1), F.S. In addition, a school supervisor, school principal, library media specialist, school counselor, or athletic coach must be certified. *Id.* Certification is not required for an athletic coach who voluntarily renders service and who is not employed by any public school district of this state. Section 1012.55(2), F.S.

⁵² Section 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

⁵³ Rule 6A-4.004(2), F.A.C.; see *infra* text accompanying notes 77-81.

⁵⁴ Section 1012.56(7)(a), F.S.; see 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

⁵⁵ See rule 6A-4.004(1)(a)2., F.A.C.; see also *infra* text accompanying notes 69-76.

⁵⁶ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Section 1012.56(7)(c), F.S.; see *supra* note 54.

⁵⁷ Section 1012.55(2), F.S.; see *infra* text accompanying notes 143-150.

⁵⁸ See rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

⁵⁹ Section 1012.57(1), F.S. (validity period expressed in school years); see *infra* text accompanying note 142.

What are the basic eligibility requirements for an educator certificate?

An applicant seeking a professional certificate, temporary certificate, or adjunct teaching certificate must meet the following basic eligibility requirements:⁶⁰

- ❖ Be at least 18 years of age;⁶¹
- ❖ Sign an affidavit attesting that the applicant will uphold the U.S. Constitution and the State Constitution;⁶²
- ❖ Earn a bachelor's or higher degree from an accredited institution of higher learning⁶³ or from a nonaccredited institution identified by DOE as having a quality program resulting in a bachelor's or higher degree;⁶⁴
- ❖ Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;⁶⁵
- ❖ Be of good moral character;⁶⁶ and
- ❖ Be competent and capable of performing the duties, functions, and responsibilities of a teacher.⁶⁷

In addition, each applicant must submit to DOE an application and the required fee (\$75 per subject area for initial certification).⁶⁸

What are the specific eligibility requirements for a temporary certificate?

An applicant seeking a temporary certificate must:

- ❖ Meet the basic eligibility requirements for certification;⁶⁹
- ❖ Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁷⁰ and

⁶⁰ Sections 1012.56(7)(a)-(b) & 1012.57, F.S.

⁶¹ Section 1012.56(2)(a), F.S.

⁶² Section 1012.56(2)(b), F.S.

⁶³ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. §§ 602.1-602.50; U.S. Department of Education, *Nationally Recognized Accrediting Agencies*, http://www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Oct. 28, 2008).

⁶⁴ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

⁶⁵ Sections 1012.315, 1012.32(1)-(2) & 1012.56(2)(d) & (10)(a), F.S.; *see* Educator Ethics Fact Sheet.

⁶⁶ Section 1012.56(2)(e) & (7)(b), F.S.

⁶⁷ Section 1012.56(2)(f) & (7)(b), F.S.

⁶⁸ Section 1012.56(1), F.S.; *see* § 1012.59, F.S.; rule 6A-4.0012(1)(a)1. & 2., F.A.C.; Florida Department of Education, *Certification Application Fee Schedule Effective January 1, 2008*, <http://www.fldoe.org/edcert/fee.asp> (last visited Oct. 28, 2008) [hereinafter *Certification Fee Schedule*].

⁶⁹ Section 1012.56(2)(a)-(f) & (7)(b), F.S.; *see supra* text accompanying notes 61-67.

- ❖ Do one of the following:
 - ◆ Demonstrate mastery of subject area knowledge (*e.g.*, passage of the appropriate subject area test)⁷¹; or
 - ◆ Complete the required degree or content courses specified in state board rule for subject area specialization⁷² and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.⁷³

In addition, within 1 calendar year after employment under a temporary certificate, an educator must demonstrate mastery of general knowledge in order to remain employed in a position that requires a certificate.⁷⁴ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.⁷⁵

A temporary certificate is valid for 3 years and is nonrenewable.⁷⁶

What are the specific eligibility requirements for a professional certificate?

An applicant seeking a professional certificate must:

- ❖ Meet the basic eligibility requirements for certification;⁷⁷
- ❖ Demonstrate mastery of general knowledge;⁷⁸
- ❖ Demonstrate mastery of subject area knowledge;⁷⁹ and
- ❖ Demonstrate mastery of professional preparation and education competence.⁸⁰

⁷⁰ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.; see *infra* note 107 (description of professional education competence demonstration programs).

⁷¹ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited Oct. 28, 2008) [hereinafter *Subject Area Knowledge*]; see also *infra* text accompanying notes 88-97 (acceptable means of demonstrating subject area knowledge).

⁷² Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C. See, *e.g.*, rules 6A-4.0101–6A-4.0123, 6A-4.0141–6A-4.0162, 6A-4.0172–6A-4.0178, 6A-4.01795, 6A-4.0181–6A-4.0243, 6A-4.0245–6A-4.0271, 6A-4.0283–6A-4.0291, 6A-4.0311–6A-4.035, & 6A-4.044–6A-4.062, F.A.C.

⁷³ Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, http://www.fldoe.org/edcert/cert_types.asp (last visited Oct. 28, 2008); see also *supra* note 64.

⁷⁴ Section 1012.56(7), F.S. (flush-left provisions at end of subsection); see also *infra* text accompanying notes 82-87 (acceptable means of demonstrating mastery of general knowledge).

⁷⁵ *Id.*

⁷⁶ *Id.* (validity period is expressed in school fiscal years).

⁷⁷ Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 61-67.

⁷⁸ Section 1012.56(2)(g) & (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Oct. 28, 2008) [hereinafter *General Knowledge*]; see also *infra* text accompanying notes 82-87 (acceptable means of demonstrating mastery of general knowledge).

⁷⁹ Section 1012.56(2)(h) & (5), F.S.; see *Subject Area Knowledge*, *supra* note 71; see also *infra* text accompanying notes 88-97 (acceptable means of demonstrating subject area knowledge).

⁸⁰ Section 1012.56(2)(i) & (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Oct. 28, 2008) [hereinafter *Professional*].

A professional certificate is valid for 5 years and is renewable.⁸¹

How may an applicant demonstrate mastery of general knowledge?

Mastery of general knowledge may be demonstrated through any of the following methods:

- ❖ Achieving a passing score on the General Knowledge Test (basic skills examination required by State Board of Education rule);⁸²
- ❖ Achieving a passing score on the College-Level Academic Skills Test (CLAST) taken before July 1, 2002;⁸³
- ❖ Having a valid professional standard teaching certificate issued by another U.S. state or territory,⁸⁴ by the National Board of Professional Teaching Standards (NBPTS),⁸⁵ or by the American Board for Certification of Teacher Excellence (ABCTE) (national educator credentialing board approved by the State Board of Education);⁸⁶ or
- ❖ Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by DOE as having a quality program.⁸⁷

Preparation and Education Competence]; see also *infra* text accompanying notes 98-112 (acceptable means of demonstrating professional preparation and education competence).

⁸¹ Sections 1012.56(7)(a) & 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.; see also *supra* note 54.

⁸² Section 1012.56(3)(a), F.S. The General Knowledge Test is part of the Florida Teacher Certification Examinations and is administered as four subtests: Reading, English Skills, English Essay, and Mathematics. Rule 6A-4.0021(7), F.A.C.; Florida Department of Education, *Assessment and Accountability Briefing Book*, 57-58 (Apr. 10, 2007), available at <http://fcats.fldoe.org/pdf/BriefingBook07web.pdf> [hereinafter *Briefing Book*]; see also Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, § 82 (13th ed., Jun. 17, 2008), available at <http://www.fldoe.org/asp/ftce/pdf/ftcompintro13.pdf> (competencies and skills measured by General Knowledge Test) [hereinafter *Competencies and Skills*].

⁸³ Section 1012.56(3)(b), F.S.; see rule 6A-4.0021(10), F.A.C.; see also § 1008.29, F.S.; rules 6A-10.0311 & 6A-10.0312, F.A.C.; Florida Department of Education, *College-Level Academic Skills Test (CLAST)*, <http://www.fldoe.org/asp/clast> (last visited Oct. 28, 2008).

⁸⁴ Section 1012.56(3)(c), F.S.; see rules 6A-4.002(1)(i)1.-2. & 6A-4.003, F.A.C.. (flush-left provisions following rule 6A-4.003(2)(e), F.A.C.). Section 1012.56(3)(c), F.S., specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of general knowledge. A certificate issued by a U.S. territory is also acceptable. *General Knowledge*, *supra* note 78.

⁸⁵ Section 1012.56(3)(d), F.S.; see rule 6A-4.002(1)(j), F.A.C.; see also National Board for Professional Teaching Standards, <http://www.nbpts.org> (last visited Oct. 28, 2008).

⁸⁶ Section 1012.56(3)(d), F.S.; *General Knowledge*, *supra* note 78; see rule 6A-4.002(1)(j), F.A.C. On June 15, 2004, the State Board of Education authorized certificates issued by ABCTE to satisfy all requirements for a professional certificate, except the professional education competence demonstration requirement. Memorandum from Chief of the Bureau of Educator Certification, Florida Department of Education, to School District Superintendents, *et al.*, 7 (June 25, 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2182/01.pdf>; see Florida Department of Education, *Minutes of State Board of Education*, 5 (June 15, 2004), available at http://www.fldoe.org/board/meetings/2004_08_16/Minutes_2004_06_15.pdf; see also American Board for Certification of Teacher Excellence, <http://www.abcte.org> (last visited Oct. 28, 2008).

⁸⁷ Section 1012.56(3)(e), F.S.; see also *supra* notes 63 & 64 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full time. *General Knowledge*, *supra* note 78.

How may an applicant demonstrate mastery of subject area knowledge?

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- ❖ **Bachelor's Degree Level** (for certification in a subject area for which State Board of Education rule requires a bachelor's or higher degree):
 - ◆ Achieving a passing score on the appropriate subject area test required by state board rule;⁸⁸
 - ◆ For certification in a foreign language for which there is no Florida subject area test (i.e., Arabic, Chinese, Farsi, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, and Russian).⁸⁹ Completing a bachelor's or higher degree and attaining oral and written proficiency scores above the intermediate level on tests administered by the American Council on the Teaching of Foreign Languages;⁹⁰ or
 - ◆ For certification in any other subject area for which there is no Florida subject area test (e.g., Dance): Completing the required bachelor's or higher degree and content courses specified in state board rule⁹¹ and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.⁹²
- ❖ **Master's Degree Level** (for certification in a subject area for which state board rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in state board rule and achieving a passing score on the corresponding subject area test.⁹³

⁸⁸ Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 42 subject area tests. See *Briefing Book*, *supra* note 82, at 58; *Competencies and Skills*, *supra* note 82, at §§ 1-63; see also rule 6A-4.0021(9), F.A.C. (scoring of subject area tests); Florida Department of Education, *Certification Subject Examinations*, http://www.fldoe.org/edcert/sub_exams.asp (last visited Oct. 28, 2008) (table of certification subject areas and corresponding subject area tests). Beginning July 1, 2002, attaining a passing score on the appropriate subject area test is an acceptable means of demonstrating subject area knowledge. Section 19, ch. 2000-301, L.O.F.; former § 231.17(4)(b) & (6)(b)2., F.S. (1999); § 1012.56(5)(a) & (7)(b), F.S. Passing scores achieved by current certification applicants on subject area tests must be earned after July 1, 2002. *Subject Area Knowledge*, *supra* note 71.

⁸⁹ The State Board of Education has approved certification subject areas in Latin and 14 world languages. Rule 6A-4.0243, F.A.C. The state board has specific authority to develop subject area tests for each of the 14 world languages. Section 1012.56(5)(a), F.S. The Department of Education has developed subject area tests for French, German, Latin, and Spanish. *Briefing Book*, *supra* note 82, at 58; *Competencies and Skills*, *supra* note 82, at §§ 15, 17, 24 & 39.

⁹⁰ Section 1012.56(5)(b), F.S.; rule 6A-4.0243(1)(e), F.A.C.; see American Council on the Teaching of Foreign Languages, *Certified Proficiency Testing Programs*, <http://www.actfl.org/i4a/pages/index.cfm?pageid=3642> (last visited Oct. 28, 2008); Language Testing International (ACTFL Language Testing Office), *ACTFL Certified Proficiency Testing Program: Oral And Writing Proficiency Testing for State of Florida Prospective Teachers*, http://www.language-testing.com/acad_fl.cfm (last visited Oct. 28, 2008).

⁹¹ See, e.g., rule 6A-4.0123, F.A.C. (specialization requirements for certification in dance); see also Florida Department of Education, *Florida Certification Coverages*, <http://www.fldoe.org/edcert/subilist.asp> (last visited Oct. 28, 2008) [hereinafter *Certification Coverages*].

⁹² Section 1012.56(5)(c), F.S.; rule 6A-4.004(2), F.A.C.

⁹³ Section 1012.56(5)(d), F.S.; see *Certification Coverages*, *supra* note 91.

- ❖ **Out-of-State Certification:** Having a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory,⁹⁴ by NBPTS,⁹⁵ or by ABCTE (national educator credentialing board approved by the State Board of Education),⁹⁶ if the certificate is comparable to the Florida certificate issued for the same subject area.⁹⁷

How may an applicant demonstrate mastery of professional preparation and education competence?

Mastery of professional preparation and education competence may be demonstrated through any of the following methods:

- ❖ Completing an approved teacher preparation program at a postsecondary educational institution in Florida,⁹⁸ or a teacher preparation program from an out-of-state accredited or DOE-approved institution,⁹⁹ and achieving a passing score on the Professional Education Test required by State Board of Education rule;¹⁰⁰
- ❖ Completing an alternative certification program offered by a school district¹⁰¹ or Educator Preparation Institute¹⁰² and achieving a passing score on the Professional Education Test;¹⁰³
- ❖ Completing 15 semester hours in professional preparation courses specified in state board rule¹⁰⁴ or completing the Professional Training Option for Content Majors;¹⁰⁵ completing requirements for practical experience in teaching;¹⁰⁶ completing an approved professional

⁹⁴ Section 1012.56(5)(e), F.S.; see rules 6A-4.002(1)(i)1.-2. & 6A-4.003, F.A.C.. (flush-left provisions following rule 6A-4.003(2)(e), F.A.C.). Section 1012.56(5)(e), F.S., specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of subject area knowledge. A certificate issued by a U.S. territory is also acceptable. *Subject Area Knowledge*, *supra* note 71.

⁹⁵ Section 1012.56(5)(f), F.S.; see *supra* note 85 (National Board of Professional Teaching Standards).

⁹⁶ Section 1012.56(5)(f), F.S.; see *supra* note 86 (American Board for Certification of Teacher Excellence).

⁹⁷ Rule 6A-4.002(1)(i)1. & (j), F.A.C.; see, e.g., Florida Department of Education, *NBPTS Certificate Subjects and Corresponding Subjects in Florida*, <http://www.fldoe.org/edcert/nbpts-chart.asp> (last visited Oct. 28, 2008).

⁹⁸ Section 1012.56(6)(a), F.S.; rule 6A-4.003(4)(a), F.A.C.; see § 1004.04, F.S.; rule 6A-5.066(1), F.A.C.

⁹⁹ Section 1012.56(6)(b), F.S.; rule 6A-4.003(4)(c), F.A.C.; see also *supra* notes 63 & 64 (approval of accredited and nonaccredited institutions of higher learning).

¹⁰⁰ Section 1012.56(6)(a) & (b), F.S.; The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.S.; *Briefing Book*, *supra* note 82, at 58; *Competencies and Skills*, *supra* note 82, at § 00.

¹⁰¹ Section 1012.56(6)(g), F.S.; see Alternative Certification Fact Sheet.

¹⁰² Section 1012.56(6)(h), F.S.; see § 1004.85, F.S.; see also Alternative Certification Fact Sheet.

¹⁰³ Sections 1004.85(3)(b)3. & 1012.56(6)(g), (h) & (8)(a)6., F.S.; rule 6A-5.066(2)(b)1.d. & (c)1.d., F.A.C.; see Alternative Certification Fact Sheet.

¹⁰⁴ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

¹⁰⁵ The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but who major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

¹⁰⁶ *Professional Preparation and Education Competence*, *supra* note 80; see rules 6A-4.002(5) & 6A-4.006(2)(b), F.A.C.

education competence demonstration program;¹⁰⁷ and achieving a passing score on the Professional Education Test;¹⁰⁸

- ❖ Having a valid professional standard teaching certificate issued by another U.S. state or territory¹⁰⁹ or by NBPTS;¹¹⁰
- ❖ Having a valid professional standard teaching certificate issued by ABCTE (national educator credentialing board approved by the State Board of Education) and completing an approved professional education competence demonstration program;¹¹¹ or
- ❖ Completing two semesters of full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by DOE as having a quality program.¹¹²

How is subject area coverage or an endorsement added to an educator certificate?

Subject area “coverage” is a designation on an educator certificate that indicates the field in which the educator has content knowledge (*e.g.*, Mathematics, grades 6-12¹¹³).¹¹⁴ An “endorsement” is a rider shown on an educator certificate that signifies the educator has knowledge of instructional strategies that target particular levels, stages of development, or circumstances (*e.g.*, Gifted Endorsement or Endorsement in English for Speakers of Other Languages¹¹⁵).¹¹⁶

¹⁰⁷ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. Section 1012.56(8)(b), F.S.

¹⁰⁸ Section 1012.56(6)(f), F.S.

¹⁰⁹ Section 1012.56(6)(c), F.S.; *see* rules 6A-4.002(1)(i)1.-2., F.A.C. Section 1012.56(6)(c), F.S., specifies that a valid professional standard teaching certificate issued by *another state* is an acceptable means of demonstrating mastery of professional preparation and education competence. A certificate issued by a U.S. territory is also acceptable. *Professional Preparation and Education Competence, supra* note 80.

¹¹⁰ Section 1012.56(6)(d), F.S.; *see supra* note 85 (National Board of Professional Teaching Standards).

¹¹¹ Section 1012.56(6)(d), F.S.; *Professional Preparation and Education Competence, supra* note 80; *see supra* notes 86 (American Board for Certification of Teacher Excellence certificate satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement) & 107 (description of professional education competence demonstration program).

¹¹² Section 1012.56(6)(e), F.S.; *see also supra* notes 63 & 64 (approval of accredited and nonaccredited institutions of higher learning). College teaching experience must be full time. *Professional Preparation and Education Competence, supra* note 80.

¹¹³ *See, e.g.*, rule 6A-4.0262, F.A.C.

¹¹⁴ Rule 6A-4.002(1)(d), F.A.C.

¹¹⁵ *See, e.g.*, rules 6A-4.01791 & 6A-4.0244, F.A.C.

¹¹⁶ Rule 6A-4.002(1)(e), F.A.C.

To add subject area coverage or an endorsement to a professional certificate or temporary certificate, an educator must submit an application¹¹⁷ and the required fee (\$75)¹¹⁸ and complete the following requirements:

- ❖ **Add Subject Area Coverage to Professional Certificate.** To add subject area coverage to a professional certificate, an educator must demonstrate mastery of subject area knowledge (*e.g.*, passage of the appropriate subject area test) for each subject to be added to the certificate.¹¹⁹
- ❖ **Add Subject Area Coverage to Temporary Certificate.** To add subject area coverage to a temporary certificate, an educator must do one of the following:
 - ◆ Demonstrate mastery of subject area knowledge¹²⁰; or
 - ◆ Complete the required degree or content courses specified in state board rule for specialization in the subject area.¹²¹
- ❖ **Add Endorsement to Certificate.** To add an endorsement to a professional certificate or temporary certificate, an educator must do one of the following:
 - ◆ Complete the required degree and content courses specified in state board rule for the endorsement;¹²² or
 - ◆ Complete the content course requirements through an add-on alternative teacher preparation program designed by a district school board and approved by DOE.¹²³

¹¹⁷ Rule 6A-4.004(5)(a) & (6)(a), F.A.C. Certification applications are generally submitted to DOE. Section 1012.56(1), F.S. District school boards issue certificates for school district employees for the addition of a bachelor's degree level subject area specialization to a valid professional certificate based on passage of the subject area test or addition of an endorsement to a valid certificate based on completion of approved inservice core components or a district add-on endorsement program. Rule 6A-4.0012(5)(b) & (c), F.A.C.

¹¹⁸ Rule 6A-4.0012(1)(a)3.; *see Certification Fee Schedule, supra* note 68.

¹¹⁹ Rule 6A-4.004(5)(b), F.S.; *see* Florida Department of Education, *Adding a Subject Coverage to a Professional Certificate*, http://www.fldoe.org/edcert/add_subject_pro.asp (last visited Oct. 28, 2008); *see also supra* text accompanying notes 88-97 (acceptable means of demonstrating subject area knowledge). For subject areas that require college credit for the required content courses specified in State Board of Education rule, a certificated educator may, in lieu of college credit, complete the content course requirements through an add-on alternative teacher preparation program designed by a district school board and approved by DOE. Section 1012.575, F.S.; *see* Florida Department of Education, *Manual for Development of District Add-On Certification Programs* (2003), available at <http://www.fldoe.org/profdev/pdf/add-on-manual.pdf>.

¹²⁰ *See supra* text accompanying notes 88-97 (acceptable means of demonstrating subject area knowledge).

¹²¹ *See* Florida Department of Education, *Adding a Subject Coverage to a Temporary Certificate*, http://www.fldoe.org/edcert/add_subject_temp.asp (last visited Oct. 28, 2008).

¹²² The degree and content requirements are established in ch. 6A-4, F.A.C. *See, e.g.*, .rules 6A-4.0131, 6A-4.0163, 6A-4.01791–6A-4.01794, 6A-4.01796, 6A-4.02431–6A-4.0244, 6A-4.0282, 6A-4.0292 & 6A-4.076–6A-4.078, F.A.C.

¹²³ Rule 6A-4.004(6)(b), F.A.C.; *see* Florida Department of Education, *Adding an Endorsement to a Professional Certificate*, http://www.fldoe.org/edcert/add_endorse_pro.asp (last visited Oct. 28, 2008); Florida Department of Education, *Adding an Endorsement to a Temporary Certificate*, http://www.fldoe.org/edcert/add_endorse_temp.asp (last visited Oct. 28, 2008); *see also supra* note 119 (add-on alternative teacher preparation programs).

What are the renewal requirements for a professional certificate?

To renew a professional certificate, an educator must, before the end of the certificate's 5-year validity period,¹²⁴ earn at least 6 college credits from an accredited or DOE-approved institution of higher learning or the equivalent (*i.e.*, 120 inservice points) earned through a Florida school district's inservice education activities.¹²⁵ The educator must also submit an application¹²⁶ and the required fee (\$75).¹²⁷ DOE recognizes college credit or inservice points in the following areas for renewal of a professional certificate:

- ❖ Content specific to the subject area;
- ❖ Methods or education strategies specific to the subject area;
- ❖ Methods of teaching reading and literacy skills acquisition;
- ❖ Computer literacy, computer applications, and computer education;
- ❖ Exceptional Student Education (ESE);
- ❖ English for Speakers of Other Languages (ESOL);
- ❖ Drug abuse, child abuse and neglect, or student dropout prevention;
- ❖ Training related to the goals of the Florida K-20 education system, such as:
 - ◆ **Content.** English, economics, mathematics, science, social sciences, foreign languages, humanities, global economy, technology, ecology, first aid, health, or safety;
 - ◆ **Classroom Strategies.** Cooperative learning, problem-solving skills, critical-thinking skills, classroom management, child development, collaboration techniques for working with families, social services, child guidance and counseling, teaching reading, or educational assessments;
 - ◆ **School Administration Accountability.** Instructional design, leadership skills, school and community relations, school finance, school facilities, school law, or school organization; and
 - ◆ **Vocational and Adult Education Accountability.** Adult learning, principles of adult or vocational education, vocational education for students with special needs, or vocational guidance.¹²⁸

Of the required college credits and inservice points, an educator must complete at least 3 college credits or the equivalent inservice points in the educator's subject area of specialization.¹²⁹ To retain two subject areas, an educator must earn at least 3 college credits or the equivalent in each of the two subject areas (total of 6 college credits or the equivalent).¹³⁰ If an educator wishes to retain more than two subject areas on a certificate, the educator is permitted two validity periods

¹²⁴ See *supra* notes 54 & 81 and accompanying text.

¹²⁵ Section 1012.585(3)(a), F.S.; see *supra* notes 63 & 64 (approval of accredited and nonaccredited institutions of higher learning). One college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C.

¹²⁶ Rule 6A-4.0051(3)(b), F.A.C. Certification applications are generally submitted to DOE. Section 1012.56(1), F.S. District school boards issue certificates for school district employees for renewal of a professional certificate. Rule 6A-4.0012(5)(a), F.A.C.; see § 1012.585(1)(a), F.S.

¹²⁷ Rules 6A-4.0012(1)(a)1. & 6A-4.0051(3)(b), F.A.C.; *Certification Fee Schedule*, *supra* note 68.

¹²⁸ Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <http://www.fldoe.org/edcert/renew.asp> (last visited Oct. 28, 2008) [hereinafter *Renewal Requirements*].

¹²⁹ Section 1012.585(3)(a), F.S.; rule 6A-4.0051(2)(a), F.A.C.

¹³⁰ Section 1012.585(3)(a), F.S.; rule 6A-4.0051(3)(b), F.A.C.

(i.e., 10 years) for renewal of all subject areas, but must earn at least 6 college credits or the equivalent in any one validity period.¹³¹

If an educator wishes to retain more than four subject areas, the educator must earn at least 3 college credits or the equivalent in each subject area during one of the two validity periods.¹³² Thus, the educator would need to earn more than 6 college credits or the equivalent during at least one of the two successive validity periods.¹³³

In order for college credit to apply toward renewal of a professional certificate, a grade of at least a “C” or the equivalent must be earned. A grade of “pass” or “satisfactory” is acceptable under a pass or fail grading system.¹³⁴

A subject area may also be renewed (equivalent to 3 college credits) by earning a passing score on the corresponding subject area test.¹³⁵ In addition, NBPTS certification in a subject area satisfies renewal requirements for the subject area.¹³⁶

What are the specific eligibility requirements for an adjunct certificate?

In order to supplement a school’s instructional staff, reduce teacher shortages, and allow school districts to tap the wealth of talent and expertise represented in Florida’s citizens who wish to teach part-time in the state’s public schools, school districts must adopt rules for the issuance of adjunct teaching certificates to qualified applicants who:

- ❖ Meet the basic eligibility requirements for certification;¹³⁷ and
- ❖ Have expertise in the subject area to be taught. An applicant is considered to have subject area expertise if the applicant achieves a passing score on the appropriate subject area test.¹³⁸

An adjunct teaching certificate is valid only for part-time teaching positions.¹³⁹ Teachers who are certified and employed under adjunct teaching certificates have the same rights and protection of laws as teachers who hold a professional or temporary certificate.¹⁴⁰

¹³¹ Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

¹³² Rule 6A-4.0051(2)(c), F.A.C.

¹³³ *Renewal Requirements*, *supra* note 128.

¹³⁴ Rule 6A-4.0051(3)(d), F.A.C.; *Renewal Requirements*, *supra* note 128.

¹³⁵ Section 1012.585(3)(b), F.S.; 6A-4.0051(1)(b), F.A.C.

¹³⁶ Rule 6A-4.0051(1)(c), F.A.C.; *see supra* note 85 (National Board of Professional Teaching Standards).

¹³⁷ Sections 1012.57(1), F.S.; *see supra* text accompanying notes 61-67.

¹³⁸ Section 1012.57(1), F.S., requires a school district’s rules to consider an applicant who passes the appropriate subject area test as having expertise in the subject area, but does not explicitly prohibit a school district from adopting additional options for evaluating an applicant’s subject area expertise. Section 44, ch. 2003-391, L.O.F., deleted a provision from § 1012.57(1), F.S., which had explicitly authorized district school board policy to be used in determining an applicant’s subject area expertise. In a memorandum explaining legislative changes in ch. 2003-391, L.O.F., DOE concluded that deletion of this provision required passage of the subject area test as the only method for an applicant to show subject area expertise and removed the authority of school districts to adopt additional options. Memorandum from Chancellor of K-12 Public Schools, Florida Department of Education, to School District Superintendents, *et al.*, 3 (June 9, 2003), *available at* <http://info.fldoe.org/docushare/dsweb/Get/Document-1229/June%20202.pdf>.

Teachers holding adjunct teaching certificates must receive the following assistance:

- ❖ The district school board must provide the adjunct teacher with an orientation in classroom management before assigning the teacher to a school;
- ❖ The school district must allow an adjunct teacher to participate in the district's new teacher training program; and
- ❖ The school principal must assign an experienced peer mentor to assist the adjunct teacher during his or her first year of teaching.¹⁴¹

An adjunct teaching certificate is valid for 5 years and is renewable if the applicant has received satisfactory performance evaluations during each year of teaching under the certificate.¹⁴²

What are the eligibility requirements for an athletic coaching certificate?

DOE issues an athletic coaching certificate to a person employed and rendering service, either part time or full time, as a public school athletic coach.¹⁴³ Certification is not required for an athletic coach who voluntarily renders service and who is not employed by any Florida school district.¹⁴⁴ DOE issues two types of athletic coaching certificates:

Renewable 5-Year Certificate. An applicant is eligible for an athletic coaching certificate, which is valid for 5 years and may be renewed,¹⁴⁵ if the applicant:

- ❖ Submits to DOE an application and the required fee (\$75);¹⁴⁶
- ❖ Submits to fingerprinting and background screening and does not have a criminal history that requires the applicant's disqualification from certification or employment;¹⁴⁷ and
- ❖ Completes 9 semester hours in the required content courses specified in state board rule for athletic coaching:
 - ◆ Three semester hours in the care and prevention of athletic injuries and the effects and dangers of drug use, including performance enhancing drugs;
 - ◆ Three semester hours in coaching theory; and
 - ◆ A course in the theory and practice of coaching a specific sport;¹⁴⁸ and
- ❖ Has a valid cardiopulmonary resuscitation (CPR) course completion card or certificate issued by the American Heart Association or the American Red Cross or has an equivalent CPR

¹³⁹ Section 1012.57(1), F.S.

¹⁴⁰ Section 1012.57(2), F.S.

¹⁴¹ Section 1012.57(1), F.S.

¹⁴² *Id.* (validity period expressed in school years).

¹⁴³ Section 1012.55(2), F.S.

¹⁴⁴ *Id.*

¹⁴⁵ See rule 6A-4.004(4)(b), F.A.C. (validity period expressed in school fiscal years); *cf.* § 1012.57(1), F.S. (validity period expressed in school years).

¹⁴⁶ Rules 6A-4.004(4)(b)1. & 6A-4.0012(1)(a), F.A.C.; see *Certification Fee Schedule*, *supra* note 68.

¹⁴⁷ Sections 1012.315 & 1012.32(1)-(2), F.S.; rule 6A-4.004(1)(a)3. & (4)(b)3., F.A.C.

¹⁴⁸ Rules 6A-4.004(4)(b)2. & 6A-4.0282(2) F.A.C.

course completion card or certificate issued by an entity approved by the Department of Health.¹⁴⁹

Nonrenewable 3-Year Certificate. If an applicant submits the required application and fee, submits to fingerprinting and background screening, and does not have a criminal history that requires the applicant's disqualification from certification or employment, the applicant is eligible for a nonrenewable athletic coaching certificate valid for 3 years.¹⁵⁰ To receive the renewable 5-year athletic coaching certificate, the applicant must also complete the 9 semester hours in the required content courses and obtain the CPR course completion card or certificate.¹⁵¹

Where can I get additional information?

Florida Department of Education

Bureau of Educator Certification
(850) 245-5049
<http://www.fldoe.org/edcert>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development
(850) 488-6204
<http://www.myfloridahouse.gov>

¹⁴⁹ Rules 6A-4.004(4)(b)2. & 6A-4.0282(3), F.A.C.; see rule 64E-2.038, F.A.C. (transferred to rule 64J-1.022, F.A.C., effective Oct. 10, 2008).

¹⁵⁰ Rule 6A-4.004(4)(a), F.A.C. (validity period expressed in school fiscal years); see also *supra* notes 146-147.

¹⁵¹ See *supra* notes 148-149 and accompanying text.



What is an alternative certification program?

Classroom teachers and other public school employees serving in an instructional capacity must be certified.¹⁵² In addition to meeting other certification requirements, teachers must demonstrate mastery in three areas: general knowledge, subject area knowledge, and professional preparation and education competence.¹⁵³

The traditional way that teachers demonstrate professional preparation is through completion of a teacher preparation program offered by a college or university.¹⁵⁴ Alternatively, Florida offers other options for teachers to demonstrate their professional education competence.¹⁵⁵ For example, school districts offer alternative certification programs in order for K-12 classroom teachers to complete on-the-job training in professional education preparation after obtaining a temporary certificate and while employed by the district.¹⁵⁶ Educator Preparation Institutes¹⁵⁷ at colleges and universities also offer alternative certification programs, which allow teachers to complete professional preparation training without temporary certification and before employment by a school district.^{158,159}

¹⁵² Section 1012.55(1), F.S.

¹⁵³ Section 1012.56(2)(g)-(i), (3), (5) & (6), F.S.; see also Teacher Certification Fact Sheet.

¹⁵⁴ See § 1012.56(6)(a) & (b), F.S.

¹⁵⁵ See Florida Department of Education, *Pathways to a Professional Certificate in Florida*, <http://www.fldoe.org/edcert/pdf/Profoptions.pdf> (last visited Aug. 29, 2008).

¹⁵⁶ See § 1012.56(6)(g) & (8)(a), F.S.; rule 6A-5.066(2)(b)2., F.A.C.

¹⁵⁷ A postsecondary institution (*i.e.*, college or university) may, subject to approval by the Department of Education, establish an Educator Preparation Institute for, among other purposes, providing instruction for baccalaureate degree holders to become certified teachers. Section 1004.85(2)(d), F.S. Four state universities and 26 community colleges offer alternative certification programs through Educator Preparation Institutes. Florida Department of Education, Florida State University, et al., *Beginning Teachers from Florida Teacher Preparation Programs: A Report on State Approved Teacher Preparation Programs with Results of Surveys of Program Completers*, 3 (Jan. 2008), available at <http://www.altcertflorida.org/pdf/Beginning%20Teachers%20in%20Florida%2001-07-08.pdf> [hereinafter *Beginning Teachers Report*].

¹⁵⁸ See §§ 1004.85(3) & 1012.56(6)(h), F.S.; rule 6A-5.066(2)(c)2., F.A.C.

¹⁵⁹ Additional options for demonstrating professional education competence include:

- ❖ Holding a valid professional standard teaching certificate issued by another state;
- ❖ Holding a valid certificate issued by the National Board for Professional Teaching Standards (see <http://www.nbpts.org>) or a national educator credentialing board approved by the State Board of Education;
- ❖ Documenting two semesters of successful teaching at a college or university; and
- ❖ Completing professional preparation courses specified in rules adopted by the State Board of Education (see rule 6A-4.006(2)(a), F.A.C.), demonstrating professional education competence to the school district, and passing the professional education test of the Florida Teacher Certification Examinations. Section 1012.56(6)(c)-(f) & (8)(b), F.S.

What types of alternative certification programs are offered?

There are three types of alternative certification programs in Florida:

- ❖ The state model alternative certification program developed by the Department of Education (DOE) and offered by school districts;¹⁶⁰
- ❖ Alternative certification programs developed and offered by school districts;¹⁶¹ and
- ❖ Alternative certification programs developed and offered by Educator Preparation Institutes.¹⁶²

Who is eligible to participate in an alternative certification program?

Participants in an Educator Preparation Institute's alternative certification program must have earned a bachelor's or higher degree in a major field other than education.¹⁶³ Likewise, a participant seeking certification through an alternative certification program offered by a school district must have earned a bachelor's or higher degree; however, education majors are not excluded from participation.¹⁶⁴ The majority of teachers completing a school district's alternative certification program come from fields not related to education, including business, health, and technical fields.¹⁶⁵ More than 20 percent, however, come with education-related work experience.¹⁶⁶ To be eligible for an alternative certification program, a participant must:

- ❖ Be at least 18 years of age;¹⁶⁷
- ❖ Sign an affidavit to uphold the United States Constitution and the State Constitution;¹⁶⁸
- ❖ Submit to background screening and not have a criminal history that requires the participant's disqualification from certification or employment;¹⁶⁹

¹⁶⁰ Section 1012.56(8)(a), F.S.; see rule 6A-5.066(2)(b), F.A.C.; Florida Department of Education, *Florida's Alternative Certification Program, Program Overview*, <http://www.altcertflorida.org/programOverview.htm> (last visited Aug. 29, 2008) [hereinafter *Model Program Overview*].

¹⁶¹ A district-developed alternative certification program must be approved by DOE. Section 1012.56(8)(a), F.S.; see also rule 6A-5.066(2)(b), F.A.C.

¹⁶² Section 1004.85(3), F.S.; see rule 6A-5.066(2)(c), F.A.C. The program design for an Educator Preparation Institute's alternative certification program must also be approved by DOE. Section 1004.85(3), F.S. Once an alternative certification program is approved, other approved Educator Preparation Institutes may use the approved program design. *Id.*

¹⁶³ Section 1004.85(3), F.S.; see Memorandum from Commissioner of Education to College and University Deans and Directors of Teacher Preparation Programs, et al. (Dec. 23, 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2685/Memo.pdf> (see attachment, *Application Guidelines*, 5 (Oct. 2004), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-2686/AG.pdf>). Eligibility for the alternative certification program also requires an overall grade point average of at least a 2.5 on a 4.0 scale in the participant's major field of study. Sections 1004.85(3)(b)1. & 1012.56(2)(c), F.S.

¹⁶⁴ Section 1012.56(2)(c), (7)(b) & (8)(a), F.S. Eligibility for the alternative certification program also requires an overall grade point average of at least a 2.5 on a 4.0 scale in the participant's major field of study. Section 1012.56(2)(c) & (7)(b), F.S.

¹⁶⁵ *Beginning Teachers Report*, *supra* note 157, at 25.

¹⁶⁶ *Id.*

¹⁶⁷ Section 1012.56(2)(a) & (7)(b), F.S.

¹⁶⁸ Section 1012.56(2)(b) & (7)(b), F.S.

- ❖ Be of good moral character;¹⁷⁰ and
- ❖ Be competent and capable of performing the duties, functions, and responsibilities of a teacher.¹⁷¹

In order to participate in a school district's alternative certification program, a teacher must also obtain a temporary certificate, which requires the teacher to complete the content requirements specified for his or her subject area as identified in rules adopted by the State Board of Education¹⁷² or demonstrate mastery of subject area knowledge (e.g., passage of subject area examination).¹⁷³ Although participants in an Educator Preparation Institute's alternative certification program are not required to have a temporary certificate, they must at least apply for an educator certificate and thereby obtain an official statement of status of eligibility.¹⁷⁴

What are the required components of an alternative certification program?

Training Content Knowledge. The content knowledge covered by the training provided in alternative certification programs, including programs offered by school districts and Educator Preparation Institutes, must include the following competencies:

- ❖ Competencies of the *Educator Accomplished Practices* at the preprofessional level:¹⁷⁵
 - ◆ Assessment
 - ◆ Communication
 - ◆ Continuous Improvement
 - ◆ Critical Thinking
 - ◆ Diversity
 - ◆ Ethics
 - ◆ Human Development and Learning
 - ◆ Knowledge of Subject Matter
 - ◆ Learning Environments
 - ◆ Planning
 - ◆ Role of the Teacher
 - ◆ Technology
- ❖ Competency 2 of the State Board of Education's approved *Reading Endorsement Competencies*:

Foundations of Research-Based Practices.—Understands the principles of scientifically based reading research as the foundation of comprehensive instruction that

¹⁶⁹ Sections 1012.315 & 1012.56(2)(d), (7)(b) & (10)(a), F.S.

¹⁷⁰ Section 1012.56(2)(e) & (7)(b), F.S.

¹⁷¹ Section 1012.56(2)(f) & (7)(b), F.S.

¹⁷² Section 1012.56(7)(b), F.S.; see rules 6A-4.008, 6A-4.0082, 6A-4.0101–6A-4.0162, & 6A-4.0172–6A-4.078, F.A.C. (specialization requirements for certification).

¹⁷³ See § 1012.56(5)(a), F.S.; rule 6A-4.0021, F.A.C.

¹⁷⁴ Sections 1004.85(3)(b)1. & 1012.56(1)(c), F.S.

¹⁷⁵ Rules 6A-5.065 & 6A-5.066(2)(b)1.a. & (c)1.a., F.A.C. The *Educator Accomplished Practices* describe twelve essential practices of effective teaching, which are expressed at three levels: the accomplished teacher, the professional teacher, and the preprofessional teacher. *Id.*; see Florida Department of Education, *Educator Accomplished Practices: Competencies for Teachers of the Twenty-First Century*, 1-10 (Dec. 2007), available at http://www.fl DOE.org/dpe/pdf/AccomPractices_11-09-07.pdf.

synchronizes and scaffolds each of the major components of the reading process toward student mastery.¹⁷⁶

- ❖ The competencies and skills of professional education preparation required for teacher certification.¹⁷⁷
- ❖ School district alternative certification programs must also cover:
 - ◆ A variety of data indicators for student progress;
 - ◆ Methodologies, including technology-based methodologies, for teaching subject content that supports the *Sunshine State Standards* for students;
 - ◆ Techniques for effective classroom management;
 - ◆ Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students; and
 - ◆ Methodologies for assuring the ability of all students to read, write, and compute.¹⁷⁸
- ❖ Alternative certification programs at Educator Preparation Institutes must also cover subject matter content requirements, professional competency testing requirements, competencies associated with teaching scientifically based reading instruction, and strategies that research has shown to be successful in improving reading among low-performing readers.¹⁷⁹

Required Passage of Professional Education Test. Each alternative certification program must require program participants to pass the professional education test of the Florida Teacher Certification Examinations.¹⁸⁰

Practical Experience in Teaching. Each participant in a school district's alternative certification program must be a K-12 classroom teacher who holds a valid temporary certificate and demonstrates the required competences as a teacher.¹⁸¹ School district participants must, before assuming their teaching duties, complete a minimum period of initial preparation¹⁸² and must be assisted by experienced peer mentors.¹⁸³ An alternative certification program offered by an Educator Preparation Institute must require participants to demonstrate the required competencies through:

- ❖ Field experience in a K-12 classroom setting with supervision from qualified educators; or
- ❖ As a K-12 classroom teacher who holds a valid temporary certificate.¹⁸⁴

¹⁷⁶ Rules 6A-4.0163 & 6A-5.066(2)(b)1.b. & (c)1.b., F.A.C.; Florida Department of Education, *Reading Endorsement Competencies*, 2 (Apr. 19, 2008), available at http://info.fldoe.org/docushare/dsweb/Get/Document-1004/ReadingEndorsement_Compencies.pdf.

¹⁷⁷ Rules 6A-5.066(2)(b)1.d. & (c)1.d. & 6A-4.0021(2)(c)2., F.A.C.; Florida Department of Education, *Competencies and Skills Required for Teacher Certification In Florida*, 2-6 (13th ed. 2008), available at <http://www.fldoe.org/asp/ftce/pdf/ftcompintro13.pdf>.

¹⁷⁸ Section 1012.56(8)(a)5.c.-g., F.S.; rule 6A-5.066(2)(b)1.c., F.A.C.

¹⁷⁹ Section 1004.85(3)(a)1., F.S.; rule 6A-5.066(2)(c)1.c., F.A.C.

¹⁸⁰ Sections 1004.85(3)(b)3. & 1012.56(6)(h) & (8)(a)6., F.S.; rules 6A-4.0021 & 6A-5.066(2)(b)1.d. & (c)1.d., F.A.C.

¹⁸¹ Section 1012.56(8)(a), F.S.; rule 6A-5.066(2)(b)2., F.A.C.

¹⁸² Section 1012.56(8)(a)1., F.S.

¹⁸³ Section 1012.56(8)(a)3., F.S.

¹⁸⁴ Section 1004.85(3)(a)2. & (b)2., F.S.; rule 6A-5.066(2)(c)2., F.A.C.

Assessment of School District Programs. School district alternative certification programs must include an assessment that provides for the initial evaluation of each participant's competencies to determine an appropriate individualized professional development plan and a postevaluation to assure successful completion of the program.¹⁸⁵

What training and supports are included in DOE's model alternative certification program?

The model alternative certification program developed by DOE includes the following components:

- ❖ **Survival training** provides the minimum amount of instruction that a classroom teacher should have to prepare for the first days and weeks of school, including:
 - ◆ An orientation to the school and district;
 - ◆ An introduction to effective teaching behaviors;
 - ◆ An introduction to the Educator Accomplished Practices;
 - ◆ Ethical and legal guidelines for teachers;
 - ◆ Classroom and behavior management tools;
 - ◆ Basic lesson planning; and
- ❖ Multicultural and multilingual issues to consider.¹⁸⁶
- ❖ **CD-ROM** to train users on features of the web-based learning management system used to deliver the learning activities;
- ❖ **Support team** to coordinate and support the professional development of the teacher;
- ❖ **Peer mentor** to offer face-to-face feedback and assistance throughout the learning experience;
- ❖ **Online tutor** to provide guidance, feedback, and assessment of work products developed through the program's learning activities;
- ❖ **Building level administrator** to verify successful demonstration of all education competencies;
- ❖ **Outside educator** to offer feedback as a collaborative partner from higher education or a district level supervisor;
- ❖ **Pre-assessment** to determine the learning needs of each teacher;
- ❖ **Individual action plan** to outline the structured learning experiences for each teacher;
- ❖ **Online professional preparation learning activities** to provide in-depth, in-time acquisition of the *Educator Accomplished Practices*;
- ❖ **Summative assessment tasks** to ensure a standards-based method of determining mastery of the professional education competencies;
- ❖ **Database tracking system** to document the progress of each teacher in successfully demonstrating the *Educator Accomplished Practices*;
- ❖ **Professional education test** to demonstrate knowledge of educational pedagogy.¹⁸⁷

¹⁸⁵ Section 1012.56(8)(a)4., F.S.; see also § 1012.98(4)(b)5., F.S. (requirements for individual professional development programs).

¹⁸⁶ Florida Department of Education, *Florida's Alternative Certification Program, Survival Training*, <http://www.altcertflorida.org/survivalTraining.htm> (last visited Aug. 29, 2008).

Where can I get additional information?

Florida Department of Education

Bureau of Educator Certification
(850) 245-5049
<http://www.fldoe.org/edcert>

Florida Department of Education

Bureau of Educator Recruitment, Development, and Retention
(850) 245-0435
<http://www.fldoe.org/profdev>

Florida Department of Education

Office of Assessment and School Performance
(850) 245-0513
<http://www.fldoe.org/asp/ftce>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development
(850) 488-6204
<http://www.myfloridahouse.gov>

¹⁸⁷ *Model Program Overview, supra note 160.*



Teacher Compensation

How is teacher compensation determined?

Florida school districts are required to adopt and use salary schedules to authorize the compensation of school employees.¹⁸⁸ Salary schedules for instructional personnel¹⁸⁹ must base a portion of each employee's compensation on performance and must consider prior professional experience in the field of education in addition to district-level instructional and administrative positions.¹⁹⁰ In developing a salary schedule, a school district is required to seek input from parents, teachers, and representatives of the business community.¹⁹¹ Salary schedules for instructional personnel must include differentiated pay based on district-determined factors, including additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.¹⁹²

School districts bargain collectively with the certified bargaining agent chosen by their employees regarding wages, hours, and terms and conditions of employment.¹⁹³ Salary schedules for instructional personnel are specifically subject to collective bargaining.¹⁹⁴

How much funding is provided for programs that support teachers?

Florida Education Finance Program. The Florida Education Finance Program (FEFP) is the formula used by the Legislature to allocate state funding for the public schools to Florida's 67 school districts. The formula is based upon student population, local property tax bases, varying costs of living, and varying costs of equivalent education program due to sparsity and dispersion of the student population.¹⁹⁵ The FEFP is the primary mechanism for funding the operating costs of Florida school districts.¹⁹⁶ In 2008-2009, the Legislature appropriated more than \$9 billion for the FEFP, of which approximately \$8.5 billion was provided from the General

¹⁸⁸ Sections 1011.60(3)(b) & (4), 1012.22(1)(c)1. & 1012.27(2), F.S.

¹⁸⁹ Instructional personnel include classroom teachers; staff who provide student personnel services (e.g., guidance counselors, social workers, career specialists, and school psychologists); librarians and media specialists; other instructional staff (e.g., learning resource specialists); and education paraprofessionals. Section 1012.01(2), F.S.

¹⁹⁰ Sections 1011.60(4), 1012.22(1)(c)2. & 1012.27(2), F.S.; see also Merit Award Program Fact Sheet.

¹⁹¹ Sections 1012.22(1)(c)3. & 1012.27(2), F.S.

¹⁹² Section 1012.22(1)(c)4., F.S.

¹⁹³ Sections 447.203(2) & 447.309(1), F.S.; see Florida Public Employees Relations Commission, *Scope of Bargaining* (2d ed. Sept. 2005), available at http://perc.myflorida.com/pubs/Scope_of_Bargaining.pdf (Introduction). Section 6, Art. I of the State Constitution establishes the right of employees to collectively bargain: "The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."

¹⁹⁴ Section 1012.22(1)(c)4., F.S.

¹⁹⁵ Florida Department of Education, *2008-09 Funding for Florida School Districts Statistical Report*, 1-2 (Oct. 2008), available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf> [hereinafter *School District Funding*]; see § 1011.62, F.S.; see also Florida Education Finance Program (FEFP) Fact Sheet.

¹⁹⁶ *School District Funding*, *supra* note 195, at 1.

Revenue Fund and approximately \$402 million was provided from the Educational Enhancement Trust Fund (*i.e.*, Florida Lottery's net proceeds).¹⁹⁷ The amount of property taxes and local sources that school districts are required to contribute to the FEFP for 2008-2009—which is known as the *required local effort*—is approximately \$8.3 billion.¹⁹⁸ In addition to funding the operating costs of the school districts, which includes the payment of salaries for teachers, the 2008-2009 FEFP also funds the following programs for teachers:¹⁹⁹

- ❖ **Merit Award Program** provides \$32.1 million for the payment of performance-based merit awards to instructional personnel and school-based administrators.²⁰⁰ Merit awards are provided based on improved student achievement and must be at least 5 percent, but not exceed 10 percent, of the average teacher's salary for the school district. The allocation is based on approved plans for participating districts and schools.²⁰¹
- ❖ **School Recognition Program** provides \$147.2 million in monetary awards to schools that earn a school grade of "A," improve at least one letter grade, or improve two or more letter grades and maintain the improved grade the following school year. For the 2008-2009 fiscal year, a recognized school is awarded \$85 per student. School recognition awards may be used for nonrecurring bonuses to the faculty and staff of a recognized school, nonrecurring expenditures for educational equipment or materials, or for temporary personnel to assist the school in maintaining or improving student performance.²⁰²
- ❖ **Teachers Lead Program** provides \$36.8 million for payment to classroom teachers for the purchase of classroom materials and supplies. The amount provided per teacher depends upon the number of eligible teachers.²⁰³

The FEFP also provides a school district increased per-student funding for students enrolled in International Baccalaureate (IB) courses,²⁰⁴ Advanced International Certificate of Education (AICE) courses,²⁰⁵ and Advanced Placement (AP) courses,²⁰⁶ if the students earn specified

¹⁹⁷ *Id.* at 2; Specific Appropriations 6 & 7, § 1 & Specific Appropriations 81-83, § 2, ch. 2008-152, L.O.F.; see Florida Department of Education, *Florida Education Finance Program 2008-2009 Second Calculation*, 1 (July 16, 2008), available at <http://www.fldoe.org/fefp/pdf/08-09secondcalc-01.pdf>.

¹⁹⁸ *School District Funding*, *supra* note 195, at 2; Specific Appropriation 81, § 2, ch. 2008-152, L.O.F. (provisio language following specific appropriation); see § 1011.62(4), F.S.

¹⁹⁹ *School District Funding*, *supra* note 195, at 2.

²⁰⁰ Specific Appropriation 81, § 2, ch. 2008-152, L.O.F.; see *School District Funding*, *supra* note 195, at 17.

²⁰¹ Section 1012.225(2), F.S.; see *School District Funding*, *supra* note 195, at 17; see also Merit Award Program Fact Sheet.

²⁰² Section 1008.36, F.S.; Florida Department of Education, *2008-09 School Recognition Awards by District* (2008), available at http://www.fldoe.org/evaluation/pdf/districts_0809.pdf; see *School District Funding*, *supra* note 195, at 18; Specific Appropriation 7, § 1, ch. 2008-152, L.O.F.; see also School Recognition Fact Sheet; School Grades Fact Sheet.

²⁰³ Specific Appropriation 83, § 2, ch. 2008-152, L.O.F.; § 1012.71, F.S.

²⁰⁴ Section 1011.62(1)(l), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Nov. 24, 2008).

²⁰⁵ Section 1011.62(1)(m), F.S.; University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Nov. 24, 2008).

²⁰⁶ Section 1011.62(1)(n), F.S.; College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Nov. 24, 2008).

scores on the course examinations.²⁰⁷ Teachers of these students are eligible for the following bonuses, not to exceed \$2,000 per fiscal year:²⁰⁸

- ❖ *International Baccalaureate Bonus* provides an IB teacher a \$50 bonus for each of his or her students who scores 4 or higher on the IB examination. An IB teacher in a “D” or “F” school who has at least one student scoring 4 or higher on the IB examination receives an additional \$500 bonus.²⁰⁹
- ❖ *Advanced International Certificate of Education Bonus* provides an AICE teacher a \$50 bonus for each of his or her students in a full-credit AICE course, or \$25 bonus for a student in a half-credit AICE course, who scores “E” or higher on the AICE examination. An AICE teacher in a “D” or “F” school receives an additional \$500 bonus if one of the teacher’s students scores “E” or higher on the full-credit AICE examination, or a \$250 bonus for each half-credit AICE course taught which has at least one student scoring “E” or higher on the half-credit AICE examination, not to exceed an additional \$500 bonus.²¹⁰
- ❖ *Advanced Placement Bonus* provides an AP teacher a \$50 bonus for each of his or her students who scores 3 or higher on the College Board AP examination. An AP teacher in a “D” or “F” school who has at least one student scoring 3 or higher on the College Board AP examination receives an additional \$500 bonus.²¹¹

Teacher Professional Development funding is provided through a federal grant authorized under Title II, Part A of the *No Child Left Behind Act of 2001*.²¹² Grant funds may be used for the recruitment, retention, and professional development of highly qualified teachers.²¹³ Since 2002, the Legislature has authorized the state’s allocation of Title II, Part A funds to be used for teacher professional development.²¹⁴ For the 2008-2009 fiscal year, \$134.6 million was provided for this purpose.²¹⁵

Dale Hickam Excellent Teaching Program authorizes an annual bonus to teachers who hold national board certification from the National Board for Professional Teaching Standards (NBPTS). Unless otherwise provided in the General Appropriations Act, the bonus is equal to 10 percent of the statewide average teacher salary for the prior fiscal year. The bonus may be earned

²⁰⁷ A school district receives additional per-student funding for students earning a 4 or higher on the IB examination, “E” or higher on the AICE examination, or 3 or higher on the College Board AP examination. Section 1011.62(1)(l)-(n), F.S.

²⁰⁸ Section 1011.62(1)(l), (m) & (n), F.S. (flush-left provisions at the end of each paragraph).

²⁰⁹ Section 1011.62(1)(l), F.S.

²¹⁰ Section 1011.62(1)(m), F.S.

²¹¹ Section 1011.62(1)(n), F.S.

²¹² Sections 2102-2151, Pub. L. No. 107-110, 115 Stat. 1425, 1620-42 (Jan. 8, 2002) (codified at 20 U.S.C §§ 6601-6651).

²¹³ See 20 U.S.C. § 6613; Florida House of Representatives, *Teacher Professional Development Programs in Florida, Interim Project Report*, 12 (Jan. 2008), available at [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2368&Session=2008&DocumentType=Reports&FileName=Teacher Professional Development Programs in Florida.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2368&Session=2008&DocumentType=Reports&FileName=Teacher%20Professional%20Development%20Programs%20in%20Florida.pdf).

²¹⁴ See *id.*

²¹⁵ Specific Appropriation 102, § 2, ch. 2008-152, L.O.F.

only for initial certification and may not be received by a teacher for more than one 10-year period. An additional 10-percent bonus is authorized, unless otherwise provided in the General Appropriations Act, for NBPTS-certified teachers who provide the equivalent of 12 workdays of mentoring and related services for public school teachers who do not hold NBPTS certification.²¹⁶ For the 2008-2009 fiscal year, the Legislature appropriated \$55.3 million to fund the teacher bonuses.²¹⁷

What is the average teacher salary in Florida’s public schools?

The average salary paid to a Florida public school teacher in the 2007-2008 school year was \$46,922. This represents an increase of \$1,626 (3.59 percent) over the average salary of \$45,296 for the 2006-2007 school year.²¹⁸ The statewide average teacher salary from 2000-2001 through 2007-2008 was as follows:²¹⁹

Degree Level	2000-2001	2001-2002	2002-2003	2003-2004
Bachelor’s	\$ 35,171	\$ 36,363	\$ 37,335	\$ 37,637
Master’s	\$ 42,115	\$ 43,061	\$ 44,070	\$ 44,536
Specialist	\$ 50,074	\$ 50,450	\$ 51,296	\$ 52,258
Doctorate	\$ 48,910	\$ 49,422	\$ 50,397	\$ 50,847
All Degrees	\$ 38,230	\$ 39,275	\$ 40,275	\$ 40,598
Degree Level	2004-2005	2005-2006	2006-2007	2007-2008
Bachelor’s	\$ 38,516	\$ 39,492	\$ 41,989	\$ 43,600
Master’s	\$ 45,678	\$ 47,006	\$ 49,771	\$ 51,358
Specialist	\$ 53,695	\$ 55,238	\$ 57,694	\$ 59,057
Doctorate	\$ 52,047	\$ 53,142	\$ 55,617	\$ 57,462
All Degrees	\$ 41,578	\$ 42,702	\$ 45,296	\$ 46,922

Why are national and state comparisons of teacher salaries potentially misleading?

The U.S. Department of Education and various national and regional organizations publish data concerning average teacher salaries. However, a 2006 study by the Florida Department of

²¹⁶ Section 1012.72, F.S.; see Dale Hickam Excellent Teaching Program Fact Sheet; see also National Board for Professional Teaching Standards, <http://www.nbpts.org> (last visited Nov. 24, 2008).

²¹⁷ Specific Appropriation 8, § 1 & Specific Appropriation 86, § 2, ch. 2008-152, L.O.F.

²¹⁸ Florida Department of Education, *Statistical Brief: Teacher Salary, Experience, and Degree Level 2007-08, Series 2008-26B*, 1 (May 2008), available at <http://www.fldoe.org/eias/eiaspubs/word/tchsal0708.doc>.

²¹⁹ *Id.* at 1-3; Florida Department of Education, *Statistical Brief: Teacher Salary, Experience, and Degree Level 2006-07, Series 2007-18B*, 1-3 (July 2007), available at <http://www.fldoe.org/eias/eiaspubs/pdf/tchsal06.pdf>; Florida Department of Education, *Statistical Brief: Teacher Salary, Experience, and Degree Level 2004-05, Series 2005-23B*, 1-3 (June 2005), available at <http://www.fldoe.org/eias/eiaspubs/pdf/tchsal05.pdf>; Florida Department of Education, *Statistical Brief: Teacher Salary, Experience, and Degree Level 2003-04, Series 2005-03B*, 1-3 (July 2004), available at <http://www.fldoe.org/eias/eiaspubs/pdf/tchsal04.pdf>; Florida Department of Education, *Statistical Brief: Teacher Salary, Experience, and Degree Level 2002-03, Series 2003-23B*, 1-3 (May 2003), available at <http://www.fldoe.org/eias/eiaspubs/pdf/tchsal03.pdf>.

Education (DOE) revealed that the organizations' data are not reliable for comparison among the states and as a nation because different factors are used to calculate the average salaries.²²⁰

	Average Teacher Salaries			
	Data Period	Elementary Teachers	Secondary Teachers	All Teachers
U.S. Department of Education ²²¹	2005-2006	\$ 48,958	\$ 49,396	\$ 49,109
National Education Association ²²²	2006-2007	\$ 50,684	\$ 51,081	\$ 50,816
American Federation of Teachers	2005 ²²³	—	—	\$ 47,602
	2008 ²²⁴	—	—	\$ 50,695
Southern Regional Education Board ²²⁵	2005-2006	—	—	\$ 43,417

In DOE's study, 14 other states were surveyed regarding their definitions of *average teacher salary* and other factors relating to teacher pay, including:

- ❖ State methodologies for calculating the average teacher salary;
- ❖ Finance issues, including supplemental pay, bonuses, insurance benefits, retirement benefits, special retirement programs, and cost-of-living;
- ❖ Experience and degree-levels of teachers;
- ❖ Growth rate of the student population; and
- ❖ Variations in the state income taxes.²²⁶

The states were selected based on their state population size and proximity and included states with which Florida is often compared.²²⁷ DOE's report, which is echoed by a parallel report from Florida TaxWatch, found that:

²²⁰ Florida Department of Education, *Teacher Pay Review*, 10-12 (May 2006), available at http://www.fldoe.org/ARM/files/Teacher_Pay_Review.pdf [hereinafter *Teacher Pay Review*].

²²¹ U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 2007*, 109 (Mar. 2008), available at <http://nces.ed.gov/pubs2008/2008022.pdf> (Table 75: Estimated Average Annual Salary of Teachers in Public Elementary and Secondary Schools: Selected Years, 1959-60 through 2005-06).

²²² National Education Association, *Rankings & Estimates: Rankings of the States 2006 and Estimates of School Statistics 2007*, 78 (Dec. 2007), available at <http://www.nea.org/edstats/images/07rankings.pdf> (Table 3.5: Ten-Year Trend in Average Annual Salaries for Public School Classroom Teachers, 1997-2007).

²²³ American Federation of Teachers, *Survey and Analysis of Teacher Salary Trends 2005*, 17 (2007) available at <http://www.aft.org/salary/2005/download/AFT2005SalarySurvey.pdf> (Table I-1: Trends in Teachers' Salaries Compared with Inflation and Gross Domestic Product Per Capita).

²²⁴ American Federation of Teachers, *AFT Public Employees Compensation Survey 2008: A Survey of Professional, Scientific and Related Occupations in State Government*, 5 (Sept. 2008), available at <http://www.aft.org/salary/2008/PubEmpsCompSurvey08.pdf>.

²²⁵ The average teacher salary reported by the Southern Regional Education Board (SREB) reflect salaries from SREB's 16-member states: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Gale F. Gaines, *Focus on Teacher Pay and Incentives: Recent Legislative Actions and Update on Salary Averages* (Southern Regional Education Board, May 2007), available at http://www.sreb.org/scripts/focus/Reports/07S03_Teacher_Pay.pdf.

²²⁶ *Teacher Pay Review*, *supra* note 220, at 1-2 & 34.

²²⁷ The states included Alabama, Arizona, California, Colorado, Connecticut, Georgia, Kentucky, Massachusetts, New York, North Carolina, Oregon, South Carolina, Tennessee, and Texas. *Teacher Pay Review*, *supra* note 220, at 2.

- ❖ States differ concerning which personnel are included in their average teacher salary calculation. For example, some states include only full-time teachers, while others include both full-time and part-time teachers. Some states include classroom teachers only, while Florida, for example, includes a broader definition of instructional personnel²²⁸ (e.g., guidance counselors, school psychologists, and librarians/media specialists);
- ❖ Some states use a full-time equivalent (FTE) and some use headcount;
- ❖ Some states include supplements and bonuses in their definitions of salary and some do not.
- ❖ Only a few of the states surveyed have a state income tax;
- ❖ Most states require teachers to pay 3 to 11 percent of their annual salary as contributions toward retirement, while Florida is one of two states surveyed that does not require teachers to contribute to retirement;
- ❖ Some states have a higher percentage of teachers with master's degrees, which increases the state's average teacher salary; and
- ❖ States with high enrollment growth have a greater percentage of beginning teachers, which reduces the state's average teacher salary because the salaries of beginning teachers are below the average salary.²²⁹

These findings are consistent with a 2000 report from the Southern Regional Education Board (SREB), which discusses that state teacher salary averages do not show:

- ❖ Variations in the cost of living;
- ❖ The highest degrees earned by teachers and the proportions of different degrees, which are significant since teacher salaries are often linked to the highest degree earned;
- ❖ Teachers' years of experience;
- ❖ The effects of retirement patterns, which are significant because retiring teachers are most likely paid at the highest range of the salary schedule and, upon retirement, are frequently replaced by beginning teachers who are paid at the lowest range;
- ❖ The expanding numbers of teachers, which are significant since newly created teaching positions are most often filled by beginning teachers.
- ❖ The length of teachers' contracts, which varies by state due to differences in the length of school year, the number of teacher workdays and vacation days, and policies concerning personal leave and sick leave;
- ❖ The cost of employee benefits, which include employer contributions for retirement, health insurance, and other benefits that are part of teachers' total compensation; and
- ❖ Incentive programs, which include salary increases for participation in teacher education programs or for teaching in targeted geographic areas where teacher shortages exist.²³⁰

²²⁸ See *supra* note 2.

²²⁹ *Teacher Pay Review*, *supra* note 220, at 3; Florida TaxWatch, *Teacher Pay Review: National Definitions of Key Terms Related to Determining a State's Average Teacher Salary Need to be Developed in Order to Accurately Compare States*, 1 (Apr. 2006), available at <http://www.floridatxwatch.org/resources/pdf/TeacherPayReview042606.pdf>.

²³⁰ Gale F. Gaines, *Focus on Teacher Salaries: What Teacher Salary Averages Don't Show* (Southern Regional Education Board, Oct. 2000), available at http://www.sreb.org/scripts/Focus/Reports/Teacher_Salaries_2003.pdf.

The DOE and Florida TaxWatch reports conclude that the data used in national publications that report average teacher salaries are “neither sufficient nor reliable” to fairly compare average teacher salaries across states.²³¹

Where can I get additional information?

Florida Department of Education

Bureau of Education Information & Accountability Services

(850) 245-0400

<http://www.fldoe.org/eias>

Florida House of Representatives

Education Policy Council

(850) 488-7451

<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development

(850) 488-6204

<http://www.myfloridahouse.gov>

²³¹ *Id.*



What is the Merit Award Program?

The Merit Award Program (MAP) provides merit-based pay supplements for high-performing school employees in participating school districts.²³² Thirty school districts participated in MAP during the 2007-2008 school year.²³³ In 2008, the Legislature provided more than \$32 million for the 2007-2008 pay supplements.²³⁴

Which school employees are eligible for a MAP pay supplement?

Instructional personnel (except for substitute teachers and education paraprofessionals)²³⁵ and school-based administrators (e.g., school principals and assistant principals) in a participating school district are eligible for a MAP pay supplement. These school employees are eligible as individuals or as instructional teams (e.g., co-teaching or team teaching).²³⁶

Reading coaches and prekindergarten exceptional student education (“Pre-K ESE”) teachers are eligible; however, prekindergarten instructors in the Voluntary Prekindergarten Education (“VPK”) Program are not eligible.²³⁷

What amount of supplemental pay is awarded under MAP?

A participating school district must provide a MAP pay supplement of at least 5 percent but not more than 10 percent of the average teacher’s salary for that school district.²³⁸ The pay

²³² Section 1012.225, F.S.

²³³ See Memorandum from Deputy Commissioner for Finance and Operations, Florida Department of Education, to District School Superintendents & District Finance Officers (July 31, 2008) (Attachment 1 lists 30 participating school districts for which funding was appropriated).

²³⁴ Specific Appropriation 81, § 2, ch. 2008-152, L.O.F.

²³⁵ Instructional personnel eligible for MAP include classroom teachers, staff who provide student personnel services (e.g., guidance counselors, social workers, career specialists, and school psychologists), librarians and media specialists, and other instructional staff (e.g., learning resource specialists). Sections 1012.01(2)(a)-(d) & 1012.225(1), F.S.

²³⁶ Section 1012.225(1) & (3)(a), F.S.; see also § 1003.03(5)(c)1., F.S. (“‘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. In order to be considered team teaching or co-teaching, each teacher is responsible for planning, delivering, and evaluating instruction for all students in the class or subject for the entire class period.”)

²³⁷ Florida Department of Education, *Florida Performance Pay Guidance 2007-2008 and Beyond*, 2 (Mar. 30, 2007), available at <http://fldoe.org/PerformancePay/pdfs/MeritAwardProgram.pdf> [hereinafter *Florida Performance Pay Guidance*]; see also Reading Fact Sheet; Exceptional Student Education (ESE) Fact Sheet; Early Learning: Voluntary Prekindergarten Education Fact Sheet.

²³⁸ Section 1012.225(2)(a), F.S. The average teacher salary for each school district is calculated by the Department of Education. Rule 6A-7.0100(1), F.A.C.; Memorandum from Deputy Commissioner for Finance and Operations to District School Superintendents & District Finance Officers, supra note 234 (Attachment 2 lists the average salaries of classroom teachers by school district for 2007-2008).

supplement may not be based on an employee's length of service or base salary.²³⁹ A school district may provide additional pay supplements for employees who demonstrate exemplary work attendance.²⁴⁰ An employee's eligibility for, or award of, a MAP pay supplement must not adversely affect the employee's opportunity to receive other compensation made generally available to other employees.²⁴¹

Do eligible employees need to apply for a MAP pay supplement?

No. A school district may not require instructional personnel or school-based administrators to apply for—or make a presentation—in order to receive a MAP pay supplement.²⁴²

What criteria are used for awarding a MAP pay supplement?

School districts must award MAP pay supplements according to an assessment of employee performance, which must be based at least 60 percent upon student performance.²⁴³ The assessment of instructional personnel is based upon the performance of students assigned to the employee's classroom.²⁴⁴ In the case of co-teaching or team teaching, the assessment is based on the performance of students assigned to the employee's "academic sphere of responsibility."²⁴⁵ For a school-based administrator, the assessment is based on the performance of students assigned to the administrator's school.²⁴⁶

Up to 40 percent of the employee assessment used to award MAP pay supplements must be based upon a professional practices evaluation using assessment criteria adopted by the district school board.²⁴⁷ Instructional personnel must be evaluated based on the school principal's assessment, and school-based administrators must be evaluated based on the district superintendent's assessment.²⁴⁸ A district school board's assessment criteria must include:

- ❖ Ability to maintain appropriate discipline;
- ❖ Outstanding knowledge of subject matter, with ability to plan and deliver high-quality instruction and use of technology in the classroom;
- ❖ Ability to use diagnostic and assessment data to determine student instructional needs and to design and implement instructional strategies to meet those needs;
- ❖ Ability to work well with students' families for the purpose of increasing student achievement; and

²³⁹ *Id.*

²⁴⁰ Section 1012.225(2)(b), F.S.

²⁴¹ Section 1012.225(2)(c), F.S.

²⁴² Section 1012.225(1), F.S.

²⁴³ Section 1012.225(1) & (3)(c), F.S.

²⁴⁴ Section 1012.225(3)(a), F.S.; *see also* infra text accompanying notes 252-260 (assessment of student performance for purposes of MAP pay supplements).

²⁴⁵ *Id.*

²⁴⁶ Section 1012.225(3)(b), F.S.

²⁴⁷ Section 1012.225(3)(e), F.S.

²⁴⁸ *Id.*

- ❖ The *Educator Accomplished Practices*²⁴⁹ and other professional responsibilities established by the State Board of Education or the district school board.²⁵⁰

In addition, the criteria for assessing a school-based administrator must include management of human, financial, and materials resources and the ability to recruit and train high-performing teachers.²⁵¹

How must student performance be measured under MAP?

For purposes of assessing an employee's performance for MAP, based at least 60 percent upon the performance of students assigned to the employee, a district school board must evaluate student academic proficiency, gains in student learning, or both using statewide standardized tests, *i.e.*, the Florida Comprehensive Assessment Test (FCAT).^{252,253}

For subjects and grades not assessed by FCAT, a national, state, or district-determined examination must be used to evaluate student performance.^{254,255} Examinations must be based on the *Sunshine State Standards*,²⁵⁶ curriculum frameworks, course descriptions, and the grade level taught and must measure a student's understanding and mastery of the entire course.^{257,258}

²⁴⁹ See, *e.g.*, rule 6A-5.065, F.A.C. The *Educator Accomplished Practices* describe twelve essential practices of effective teaching: Assessment, Communication, Continuous Improvement, Critical Thinking, Diversity, Ethics, Human Development and Learning, Knowledge of Subject Matter, Learning Environments, Planning, Role of the Teacher, and Technology. *Id.*; Florida Department of Education, *Educator Accomplished Practices: Competencies for Teachers of the Twenty-First Century* (Dec. 2007), available at http://www.fldoe.org/dpe/pdf/AccomPractices_11-09-07.pdf.

²⁵⁰ Section 1012.225(3)(e)1-5., F.S.

²⁵¹ Section 1012.225(3)(e)6., F.S.

²⁵² Section 1012.225(3)(c), F.S.; see also Florida Comprehensive Assessment Test Fact Sheet.

²⁵³ "Academic proficiency" is measured by determining if a student has met a set bar or standard, while "gains in learning" is a measure of a student's growth as determined by a pretest and posttest. *Florida Performance Pay Guidance*, *supra* note 237, at 5.

²⁵⁴ Section 1012.225(3)(c), F.S.; *Florida Performance Pay Guidance*, *supra* note 237, at 3-4.

²⁵⁵ The Department of Education (DOE) must assist school districts by collecting and disseminating best practices for district-determined examinations. Section 1012.225(4)(b)2., F.S.; see, *e.g.*, Memorandum from Deputy Commissioner for Accountability, Research, and Measurement, Florida Department of Education, to District School Superintendents (Mar. 12, 2008), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-4896/ececlearinghouse.pdf> (end-of-course examinations clearinghouse).

²⁵⁶ See Sunshine State Standards Fact Sheet.

²⁵⁷ Sections 1012.225(3)(c) & 1012.2251, F.S.; *Florida Performance Pay Guidance*, *supra* note 237, at 3-4; Telephone Interview with Deputy Chancellor for Educator Quality, Florida Department of Education in Tallahassee, Fla. (Sept. 12, 2008).

²⁵⁸ School districts that participate in MAP must be able to administer end-of-course examinations in all grade groupings and subjects for any year in which the districts participate in the program. Section 1012.2251, F.S.; *Florida Performance Pay Guidance*, *supra* note 237, at 4 & 5. The College Board's Advanced Placement (AP) examination, the International Baccalaureate (IB) examination, the Advanced International Certificate of Education (AICE) examination, and examinations resulting in national industry certification recognized by the Agency for Workforce Innovation may be used as end-of-course examinations. *Id.*; see also College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Sept. 30, 2008); International Baccalaureate, <http://www.ibo.org> (last visited Sept. 30, 2008); University of Cambridge, Cambridge

Those parts of an employee's performance assessment which are based on student performance must balance academic proficiency and gains in learning so that top-performing employees have an opportunity to qualify for a MAP pay supplement.²⁵⁹ School districts have flexibility in determining how to balance academic proficiency and gains in learning.²⁶⁰

Are school districts required to participate in MAP?

No. School districts are not required to implement MAP but must comply with the program's statutory requirements in order to receive funding for the program.²⁶¹ Participating school districts must inform their employees of the criteria and procedures for the district's MAP.²⁶²

How are MAP plans submitted and reviewed?

In order to receive state funding for MAP, a district school board must adopt and submit a MAP plan to the Commissioner of Education by October 1.²⁶³ Before submission to the commissioner, school districts must negotiate their MAP plans with the applicable employee organizations.²⁶⁴ Each school district's MAP plan must describe the district's assessment criteria for assessing employee performance, the amounts to be awarded as supplemental pay to high-performing employees, and the criteria for awarding the pay supplements.²⁶⁵

The commissioner must review each district's MAP plan and determine by November 15 whether the plan complies with the program's statutory requirements.²⁶⁶ If a submitted plan fails to meet the requirements, the commissioner must identify, in writing, the necessary revisions. Revised plans must be resubmitted to the commissioner by January 31.²⁶⁷ By February 15 of each year, the commissioner must "certify those school district or charter school plans that do not comply with [plan requirements] to the Governor, the President of the Senate, and the Speaker of the House of Representatives."²⁶⁸ Any subsequent revisions to approved MAP plans must be approved by the district school board and reviewed by the commissioner.²⁶⁹

International Assessments, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Sept. 30, 2008); §§ 1003.491, 1003.492 & 1003.493, F.S. (industry certification).

²⁵⁹ Section 1012.225(3)(d), F.S.; *Florida Performance Pay Guidance*, *supra* note 237, at 3.

²⁶⁰ *Florida Performance Pay Guidance*, *supra* note 237, at 4.

²⁶¹ See § 1012.225(1)(a) & (2)(a), F.S.; *Florida Performance Pay Guidance*, *supra* note 237, at 2. Section 7, ch. 2007-3, L.O.F., repealed a previous requirement effective June 30, 2007, that "each district school board must adopt a performance-pay policy for school administrators and instructional personnel." Section 1012.22(1)(c)4., F.S. (2006).

²⁶² Section 1012.225(4)(a), F.S.

²⁶³ Section 1012.225(1) & (5)(a), F.S.

²⁶⁴ *Id.*; see also *infra* text accompanying notes 281-282.

²⁶⁵ See generally § 1012.225(1)-(3), F.S.

²⁶⁶ Section 1012.225(5)(a), F.S.

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ Section 1012.225(6), F.S.

Each district school board must annually review both the assessment and compensation components of its MAP plan.²⁷⁰ By October 1, the school board must submit an annual report to the commissioner with sufficient supporting documentation to allow the commissioner to verify the school district's compliance with the statutory requirements for MAP.²⁷¹ By December 1, the commissioner must submit a report to the Governor and presiding officers of the Legislature certifying those school districts failing to submit annual reports or failing to comply with the statutory requirement for MAP.²⁷²

DOE must, upon request, provide technical assistance to school districts for the development of MAP plans.²⁷³ DOE must also collect and disseminate best practices for MAP plans.²⁷⁴

May charter schools participate in MAP?

Yes. A charter school may participate in its school district's MAP.²⁷⁵ If a charter school's district does not participate in MAP, or if a charter school does not follow the district's salary schedule, the charter school may implement its own MAP.²⁷⁶

In order to receive legislative appropriations for MAP, a charter school must adopt and submit its MAP plan to the Commissioner of Education.²⁷⁷ Charter school MAP plans must be included with the respective school district's MAP plan.²⁷⁸ If a school district does not submit a MAP plan, the district's charter schools may independently submit their MAP plans.²⁷⁹ For the 2008-2009 school year, 218 charter schools submitted MAP plans.²⁸⁰

Are MAP pay supplements subject to collective bargaining?

Yes. MAP plans are subject to collective bargaining.²⁸¹ If negotiations with a district school board result in an impasse involving a dispute of the district's MAP, the dispute is subject to an expedited impasse hearing.²⁸²

²⁷⁰ Section 1012.225(5)(c), F.S.

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ Section 1012.225(4)(b)1., F.S.

²⁷⁴ Section 1012.225(4)(b)2., F.S.

²⁷⁵ Section 1012.225(1), F.S.

²⁷⁶ *Id.*; § 1012.225(5)(b), F.S.

²⁷⁷ Section 1012.225(1) & (5)(a), F.S.

²⁷⁸ Section 1012.225(5)(b), F.S.

²⁷⁹ *Id.*

²⁸⁰ Email from Deputy Chancellor for Educator Quality, Division of Public Schools, Florida Department of Education (Feb. 12, 2009).

²⁸¹ Section 1012.225(1), F.S.

²⁸² Section 447.403(2)(c), F.S. Expedited impasse hearings must be conducted according to the following procedures:

- ❖ The parties must agree upon a special magistrate from among a list of seven names provided by the Public Employees Relations Commission (PERC). If the parties cannot agree within 5 days, PERC appoints the special magistrate.

Where can I get additional information?

Florida Department of Education

Division of Educator Quality
(850) 245-0509
<http://www.fldoe.org/dpe>

Florida Department of Education

Merit Award Program
<http://www.fldoe.org/JustForTeachers/performancepay>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development
(850) 488-6204
<http://www.myfloridahouse.gov>

-
- ❖ Each party must give the special magistrate a written list of the disputed issues at impasse within 5 days after the magistrate's appointment.
 - ❖ The special magistrate must conduct the impasse hearing within 15 days after appointment.
 - ❖ At the close of the hearing, the parties summarize their arguments and may submit written memoranda in support of their positions.
 - ❖ The special magistrate must issue his or her recommended decision within 10 days after the hearing.
 - ❖ Within 5 days after issuance of the recommended decision, a party may reject any of the special magistrate's recommendations by filing a written notice with PERC.
 - ❖ If a party rejects any part of the special magistrate's recommended decision, the district school board resolves the dispute. *Id.*



Dale Hickam Excellent Teaching Program

What is the Dale Hickam Excellent Teaching Program?

The 1998 Legislature created the Excellent Teaching Program²⁸³ (subsequently re-named as the Dale Hickam Excellent Teaching Program in 2002)²⁸⁴ to provide the following incentives for classroom teachers to seek national certification through the National Board for Professional Teaching Standards (NBPTS):

- ❖ An annual bonus of 10% of the prior fiscal year's statewide average teacher salary for the life of the certification; and
- ❖ Providing that there is fund availability, an additional bonus of 10% of the prior fiscal year's statewide average teacher salary for providing 12 workdays of mentoring and related services to Florida public school teachers who do not hold NBPTS certification.²⁸⁵

The 2008-09 estimated award amount for certified teachers is \$4,692, based on an average teacher salary from 2007-08 of \$46,922.²⁸⁶ From Fiscal Year 1998-99 to Fiscal Year 2008-09 the legislature has appropriated a total of \$405.7 million for the Excellent Teaching Program.

Excellent Teaching Funding History

Fiscal Year	Appropriation
2000-01 ²⁸⁷	\$19.0 million
2001-02 ²⁸⁸	\$31.4 million
2002-03 ²⁸⁹	\$48.7 million
2003-04 ²⁹⁰	\$69.5 million
2004-05 ²⁹¹	\$67.7 million
2005-06 ²⁹²	\$83.6 million
2006-07 ²⁹³	\$98.9 million
2007-08 ²⁹⁴	\$88.1 million
2008-09 ²⁹⁵	\$55.3 million

²⁸³ Chapter 98-309, L.O.F.

²⁸⁴ Chapter 2002-403, L.O.F.

²⁸⁵ Section 1012.72, F.S.

²⁸⁶ Florida Department of Education, Bureau of Educator Recruitment, Development, & Retention (August 2008).

²⁸⁷ Specific Appropriation 90, § 2, ch. 200-166, L.O.F.

²⁸⁸ Specific Appropriation 127, § 2, ch. 2001-253, L.O.F.

²⁸⁹ Specific Appropriation 113, § 2, ch. 2002-394, L.O.F.

²⁹⁰ Specific Appropriation 67, § 2, ch. 2003-397, L.O.F.

²⁹¹ Specific Appropriation 89, § 2, ch. 2004-268, L.O.F.

²⁹² Specific Appropriation 81, § 2, ch. 2005-70, L.O.F.

²⁹³ Specific Appropriation 101, § 2, ch. 2006-25, L.O.F.

²⁹⁴ Specific Appropriations 5 and 39, § 1 & 2, ch. 2007-326, L.O.F.; and Specific Appropriations 9B and 93, § 1 & 2, ch. 2007-72, L.O.F.

²⁹⁵ Specific Appropriations 8 and 86, § 1 & 2, ch. 2008-152, L.O.F.

Total \$405.7 million

In the event the appropriation is insufficient to fully fund the program, the two bonuses are prorated based on budget availability, with priority provided first to the certification bonus. For FY 2008-09 it is anticipated that there will not be sufficient funds to award bonuses for mentoring and other related services.

The Florida Department of Education also provides a fee subsidy, through federal funds, equal to 50% (\$1,250) of the NBPTS application fee for teachers who teach in high needs/low performing schools within a district. The candidate is then responsible for paying the remaining portion of the certification fee and the \$65 application processing fee.²⁹⁶

What is the National Board for Professional Teaching Standards (NBPTS)?

The NBPTS was established in 1987 as a not-for-profit organization with the goals of setting high, rigorous, and detailed standards of what accomplished teachers should know and be able to do.²⁹⁷ NBPTS offers 25 certificates that cover a variety of subject areas and student development levels.²⁹⁸ Candidates must possess a baccalaureate degree, hold a valid state teaching license, and have accomplished three years of successful teaching.²⁹⁹

Candidates for National Board certification are subject to a portfolio review and a two-part assessment based on standards and teaching. NBPTS certification takes approximately one to three years to complete. The portfolio review includes students' work and videotapes of the classroom teacher providing classroom instruction. Candidates are measured by a peer group of a minimum of 12 classroom teachers.³⁰⁰

What local incentives are offered to teachers who pursue and earn National Board Certification?

Currently, a number of district school boards offer incentives for teachers to become National Board Certified. Some district school boards provide NBPTS certification candidates with professional leave days for portfolio preparation, payment for the retake of one exercise, and access to laptop computers and video equipment. District school boards compensate NBPTS certified teachers with annual bonuses, stipends, and supplements. In addition, district school

²⁹⁶ Florida Department of Education, *Dale Hickam Excellent Teaching Program: Fee Subsidy* (July 2008), available at <http://www.fldoe.org/etp/feesub.asp> (last visited August 4, 2008).

²⁹⁷ National Board for Professional Teaching Standards, *About Us* (August 2008), available at http://www.nbpts.org/about_us (last visited August 4, 2008).

²⁹⁸ National Board for Professional Teaching Standards, *Certificate Areas* (August 2008), available at http://www.nbpts.org/for_candidates/certificate_areas1 (last visited August 4, 2008).

²⁹⁹ National Board for Professional Teaching Standards, *Becoming a Candidate: Eligibility & Policies* (August 2008), available at http://www.nbpts.org/become_a_candidate/eligibility_policies (last visited August 4, 2008).

³⁰⁰ National Board for Professional Teaching Standards, *Becoming a Candidate: Assessment Process* (August 2008), available at http://www.nbpts.org/become_a_candidate/assessment_process (last visited August 4, 2008).

boards grant a range of 20 to 120 in-service points toward state recertification to NBPTS teachers.³⁰¹

How many teachers participate in the Excellent Teaching Program?

History of National Board Certified Teachers in Florida³⁰²

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
Number of Applicants	1455	2421	2619	2405	2766	3165	2994	3000	3588
Number of Withdrawals	354	486	754	730	626	787	675	786	632
Total Participants	1101	1935	1865	1675	2140	2378	2319	2214	2956
Number Earning NBPTS certification	700	992	1243	1448	1473	1384	1511	1674	TBA ³⁰³

According to the NBPTS, national board certified teachers make up 6.7 percent of the total number of teachers in Florida.³⁰⁴

How does NBPTS certification affect Florida's state certification process?

Teachers who are NBPTS-certified and meet Florida's eligibility criteria and background and fingerprint check requirements qualify for a professional educator's certificate in Florida.³⁰⁵ A certified NBPTS teacher is deemed to meet state renewal requirements for the life of the teacher's NBPTS certificate.³⁰⁶

What teachers are eligible?

To be eligible to receive the certification bonus, a teacher must:

³⁰¹ National Board for Professional Teaching Standards, *Local Incentives Supporting National Board Certification in Florida* (August 3, 2008), available at http://www.nbpts.org/userfiles/File/Florida_23Oct07.pdf (last visited August 4, 2008).

³⁰² Florida Department of Education, Bureau of Educator Recruitment, Development, & Retention (August 2008).

³⁰³ According to Florida Department of Education staff, NBPTS will not release the scores of teacher assessments for 2007-08 until November or December 2008.

³⁰⁴ National Board for Professional Teaching Standards, *Largest One-year Gain of National Board Certified Teachers Advances Teaching Quality Movement in the U.S.* (December 3, 2007), available at http://www.nbpts.org/about_us/news_media/press_releases?!ID=322.

³⁰⁵ See § 1012.56(2) & (9), F.S.

³⁰⁶ See § 1012.585(2)(b), F.S.

- ❖ Hold a valid NBPTS certificate or notice of certificate award;
- ❖ Be currently employed by the district school board or by a public school within the school district; and
- ❖ Be certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.37, F.S.

To be eligible to receive a mentoring bonus, a teacher must³⁰⁷:

- ❖ Meet all the requirements to receive a certification bonus; and
- ❖ Have provided, as previously agreed to in writing, the equivalent of 12 workdays of mentoring and related services to public classroom teachers who are not NBPTS certified. The mentoring and related services cannot be completed during student contact hours during the 196 days of required service.³⁰⁸

Where can I get additional information?

Florida Department of Education

Bureau of Educator Recruitment, Development, and Retention
(850) 245-0435
<http://www.fldoe.org/profdev/>

The National Board for Professional Teaching Standards

1525 Wilson Blvd., Suite 500
Arlington, VA 22209
1-800-22-TEACH or (703) 465-2700
www.nbpts.org

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

³⁰⁷ For FY 2008-09 it is anticipated that there will not be sufficient funds to award bonuses for mentoring and other related services.

³⁰⁸ Florida Department of Education, *Dale Hickam Excellent Teaching Program: Bonuses* (July 2008), available at <http://www.fldoe.org/etp/bonuses.asp> (last visited August 4, 2008).



Barry Grunow Act: Teacher & School Administrator Death Benefits

What is the Barry Grunow Act?

The Barry Grunow Act (Act),³⁰⁹ named for a Lake Worth, Florida Middle School teacher who was shot and killed by a student just outside his classroom, provides designated benefits for any Florida teacher or school-based administrator who is killed while engaged in the performance of teaching or school administrator duties.³¹⁰ The Act provides four benefits:

- (1) \$75,000 to the beneficiary or heirs of a decedent teacher or administrator;
- (2) \$1,000 to be paid toward the funeral and burial expenses of such teacher or administrator;
- (3) Payment of health insurance premiums for the spouse and dependent children of the decedent teacher or administrator; and
- (4) Waiver of any state matriculation and tuition fees for the dependent children (until age 25) admitted into a state vocational / technical school, or community college, or university.³¹¹

Benefits continue until the decedent's surviving spouse remarries or the dependent child's 25th birthday.³¹²

Who is eligible for these benefits?

Any individual in a position defined as instructional personnel under s. 1012.01(2), F.S., or as school administrator under s. 1012.01(3), F.S., is eligible.³¹³ Instructional personnel include classroom teachers, guidance counselors, school psychologists, librarians, and teacher aides. Administrative personnel include district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others performing management activities.

Under what circumstances are benefits paid?

Benefits are paid when a teacher or school-based administrator is killed as a result of an unlawful and intentional act. The act of violence must be inflicted by another person and occur while the teacher or administrator is engaged in his or her teaching or school administrative duties, or because he or she is a teacher or school administrator.³¹⁴

³⁰⁹ Chapter 2001-180, L.O.F.

³¹⁰ Section 112.1915, F.S.

³¹¹ Section 112.1915(3)(c) & (d), F.S.

³¹² Section 112.1915(3), F.S.

³¹³ Section 112.1915(1)(b) & (c), F.S.

³¹⁴ Section 112.1915(2), F.S.

Prior to the Barry Grunow Act, what special death benefits were available for the spouse of a teacher killed in the line of duty?

The spouse of any member of the Florida Retirement System killed in the line of duty is paid a monthly pension equal to one-half the salary of the deceased or the deceased member's current retirement benefit, whichever he or she chooses.³¹⁵

The special death benefits provided in the Barry Grunow Act are in addition to these Florida Retirement System benefits.³¹⁶

How much funding has been provided?

Fiscal Year	Amount Appropriated
2002-03 ³¹⁷	\$165,000
2003-04 ³¹⁸	\$165,000
2004-05 ³¹⁹	\$165,000
2005-06 ³²⁰	\$165,000
2006-07 ³²¹	\$165,000
2007-08 ³²²	\$115,000
2008-09 ³²³	\$61,685
Total	\$1,001,685

Where can I get additional information?

Florida Department of Education

Office of the Deputy Commissioner, Finance and Operations
(850) 245-0406
<http://www.fldoe.org/cefo/>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

³¹⁵ Section 121.091(7)(d), F.S.

³¹⁶ Section 112.1915(3)(a) & (b), F.S.

³¹⁷ Specific Appropriation 125, § 2, ch. 2002-394, L.O.F.

³¹⁸ Specific Appropriation 76, § 2, ch. 2003-397, L.O.F.

³¹⁹ Specific Appropriation 102, § 2, ch. 2004-268, L.O.F.

³²⁰ Specific Appropriation 95, § 2, ch. 2005-70, L.O.F.

³²¹ Specific Appropriation 112, § 2, ch. 2006-25, L.O.F.

³²² Specific Appropriation 104, § 2, ch. 2007-72, L.O.F., and Specific Appropriation 50, §2, ch. 2007-326, L.O.F.

³²³ Specific Appropriation 99, § 2, ch. 2008-152, L.O.F.



Educator Ethics

What standards of ethical conduct are established for Florida educators?

“By virtue of their leadership capacity, teachers are traditionally held to a high moral standard in a community.”³²⁴

The State Board of Education has adopted a *Code of Ethics* for the education profession, which expresses the state’s expectations for the ethical conduct of educators:

- ❖ The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- ❖ The educator’s primary professional concern will always be for the student and for the development of the student’s potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- ❖ Aware of the importance of maintaining the respect and confidence of one’s colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.³²⁵

The state board has also adopted *Principles of Professional Conduct for the Education Profession in Florida*, which describe 31 specific grounds of discipline for the revocation or suspension of an individual’s educator certificate.³²⁶ These disciplinary grounds are grouped into violations of 9 obligations to students, 5 obligations to the public, and 17 obligations to the education profession.³²⁷

Each district school board, charter school, and private school participating in an educational choice scholarship program³²⁸ must adopt standards of ethical conduct for instructional

³²⁴ *Adams v. State Professional Practices Council*, 406 So. 2d 1170, 1172 (Fla. 1st DCA 1981).

³²⁵ Rule 6B-1.001, F.A.C.; Florida Department of Education, *Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida: Professionalism through Integrity*, brochure (2007), available at <http://www.fldoe.org/edstandards/pdfs/ethics.pdf> [hereinafter *Ethics Brochure*].

³²⁶ Section 1012.795(1)(j), F.S.; rule 6B-1.006, F.A.C.; *Ethics Brochure*, supra note 325.

³²⁷ Rule 6A-1.006(3)-(5), F.A.C.

³²⁸ Educational choice scholarship programs include the Corporate Income Tax Scholarship Program (§ 220.187, F.S.) and the John M. McKay Scholarships for Students with Disabilities Program (§ 1002.39, F.S.). Section 1002.421(1), F.S.

personnel³²⁹ and school administrators and must require all instructional personnel and school administrators to complete training on the standards.^{330,331}

What are the screening requirements for school employees?

Criminal Background Checks. Each person who seeks educator certification in Florida must be fingerprinted and undergo background screening by a district school board or the Department of Education (DOE).³³² If a background screening reveals a criminal history, or if an applicant for certification acknowledges a criminal history, the applicant's records must be assigned to DOE's Office of Professional Practices Services for review and determination of eligibility for certification.³³³

In addition, the following personnel must be fingerprinted and undergo screening:

- ❖ Instructional and noninstructional personnel hired or contracted to fill positions that require direct contact with students in any district school system, university lab school, charter school, or alternative school operating under contract with a district school system;^{334,335} and
- ❖ Employees and contracted personnel with direct student contact who are employed by, or engaged to provide services, at a private school participating in an educational choice scholarship program.³³⁶

Fingerprints must be submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for federal criminal records checks.^{337,338} FDLE is required to retain the fingerprints in the

³²⁹ Instructional personnel include classroom teachers; staff who provide student personnel services (*e.g.*, guidance counselors, social workers, career specialists, and school psychologists); librarians and media specialists; other instructional staff (*e.g.*, learning resource specialists); and education paraprofessionals. Section 1012.01(2), F.S.

³³⁰ Sections 1001.42(6), 1002.33(12)(g)3., 1002.421(4)(b) & 1012.796(1)(d), F.S.

³³¹ The Florida School for the Deaf and the Blind must comply with many provisions of law concerning educator ethics as if it were a school district. Section 1002.36 (7)(g), F.S.

³³² Section 1012.56(10)(a), F.S.; *see also* Teacher Certification Fact Sheet.

³³³ Section 1012.56(2)(d), F.S. Section 1012.56(2)(d), F.S., specifies that DOE's "investigative section" reviews and determines an applicant's eligibility for certification. This function is currently performed by the Office of Professional Practices Services. *See* Florida Department of Education, Office of Professional Practices Services, <http://www.fldoe.org/edstandards> (last visited Sept. 30, 2008).

³³⁴ Sections 1012.32(2), 1002.33(12)(g)1. & 1012.465(1), F.S.

³³⁵ A district school board must exempt certain noninstructional contractors from background screening. Section 1012.468(2), F.S. Exempted contractors are subject to a search of their names and identifying information against FDLE's registry of sexual predators and sexual offenders (*see* § 943.043, F.S.; *see also* Florida Department of Law Enforcement, *Florida Sexual Offenders and Predators*, <http://offender.fdle.state.fl.us> (last visited Sept. 30, 2008)) and against the National Sex Offender Public Registry maintained by the U.S. Department of Justice (*see* U.S. Department of Justice, *Dru Sjodin National Sex Offender Public Website*, <http://www.nsopr.gov> (last visited Sept. 30, 2008)). Section 1012.468(3)(a), F.S. A noninstructional contractor identified as a sexual predator or sexual offender is not permitted on school grounds when students are present. Section 1012.468(3)(b), F.S.

³³⁶ Section 1002.421(2)(i), F.S.

³³⁷ *Id.*; §§ 1012.32(2), 1012.465(2) & 1012.467(2)(a), F.S.

statewide automated fingerprint identification system and search all arrest fingerprint cards received against the fingerprints retained in the system.³³⁹ Personnel must be rescreened at least every 5 years.³⁴⁰

Employment History Checks. Before employing instructional personnel or school administrators in any position that requires direct contact with students, school districts, charter schools, and private schools participating in an educational choice scholarship program must:

- ❖ Conduct employment history checks of the personnel’s or administrators’ previous employer. If unable to contact a previous employer, efforts to contact the employer must be documented;
- ❖ Screen the personnel or administrators through use of DOE’s Professional Practices’ Database of Disciplinary Actions Against Educators and Teacher Certification Database;³⁴¹ and
- ❖ Document the findings.³⁴²

Which offenses disqualify instructional personnel or school administrators from certification or employment?

Instructional personnel and school administrators are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school participating in an educational choice scholarship program, if convicted of any:

- ❖ Felony offense prohibited in 46 criminal statutes, which relate to a range of crimes (e.g., murder, sexual battery, prostitution, arson, robbery, child abuse);³⁴³
- ❖ Felony offense relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity;³⁴⁴
- ❖ Misdemeanor offense prohibited in two criminal statutes, which relate to battery (if the victim was a minor) and luring or enticing a child;³⁴⁵ and

³³⁸ Private schools participating in educational choice scholarship programs must submit fingerprints of employees and contracted personnel with direct student contact to FDLE through the department’s Volunteer and Employee Criminal History System (VECHS). See §§ 943.0542 & 1002.421(2)(i), F.S.; Florida Department of Law Enforcement, *Volunteer and Employee Background Checks*, <http://www.fdle.state.fl.us/BackgroundChecks> (last visited Sept. 30, 2008).

³³⁹ Sections 1002.421(3)(a) & (b), 1012.32(3)(a) & (b) & 1012.467(2)(b) & (c), F.S.

³⁴⁰ Sections 1002.421(3)(d), 1012.465(2), 1012.467(2)(a) & 1012.56(10)(b), F.S.

³⁴¹ See § 1001.10(5), F.S.; see also Florida Department of Education, *Employment Screening Tools*, <http://www.fldoe.org/edstandards/est.asp> (last visited Sept. 30, 2008) (includes links to the Professional Practices’ Database of Disciplinary Actions Against Educators and the Teacher Certification Database). The Teacher Certification Database is also known as the Bureau of Educator Certification’s Partnership Access and Services System (BEC-PASS). Florida Department of Education, *Technical Assistance Paper, Senate Bill 1712, No. K12: 2008-129*, at 4 (July 31, 2008), available at <http://www.fldoe.org/edstandards/pdfs/SB1712TAP.pdf>.

³⁴² Sections 1002.33(12)(g)4., 1002.421(4)(c) & 1012.27(6), F.S.

³⁴³ See § 1012.315(1)(a)-(pp) & (rr)-(uu), F.S.

³⁴⁴ The employment disqualification applies to felony offenses of the second degree or greater severity prohibited under ch. 893, F.S. Section 1012.315(1)(qq), F.S.

³⁴⁵ The employment disqualification applies to misdemeanor offenses prohibited under §§ 784.03 & 787.025, F.S. Section 1012.315(2), F.S.

- ❖ Delinquent act qualifying an individual for inclusion on the Registered Juvenile Sex Offender List.³⁴⁶

These disqualifications from employment apply to delinquent and criminal acts committed in Florida or in another state.³⁴⁷ In addition, any person is ineligible for educator certification in Florida if convicted of any of these criminal or delinquent acts.³⁴⁸

Instructional and noninstructional personnel of any district school system, university lab school, charter school, or alternative school operating under contract with a district school system are ineligible for any position that requires direct contact with students if convicted of any crime involving moral turpitude as defined by rule of the State Board of Education.³⁴⁹

Which offenses are subject to forfeiture of retirement benefits?

Current law requires a public officer or employee in any publicly funded retirement plan, including the Florida Retirement System, to forfeit his or her retirement benefits if the officer or employee is convicted of using or attempting to use his or her power, rights, privileges, duties, or position as a public officer or employee to commit:

- ❖ A felony sexual battery against a victim younger than age 18; or
- ❖ A felony lewd and lascivious offense against a victim younger than age 16.³⁵⁰

This forfeiture of retirement benefits applies to felony offenses committed on or after October 1, 2008.³⁵¹ A public officer or employee whose retirement benefits are forfeited under these provisions is eligible for a return of accumulated contributions.³⁵²

How is misconduct by instructional personnel or school administrators reported, investigated, and disciplined?

Reporting Misconduct. Instructional personnel and school administrators have a duty to report the alleged misconduct of other instructional personnel and school administrators which affects the health, safety, or welfare of a student.³⁵³ District school boards, charter schools, and private schools participating in an educational choice scholarship program must:

- ❖ Prohibit confidentiality agreements that conceal the misconduct of instructional personnel or school administrators who are fired or resign for misconduct; and

³⁴⁶ Section 1012.315(4), F.S.; see also § 943.0435(1)(a)1.d., F.S. (list of criminal offenses requiring a juvenile who is 14 years of age or older to be designated as a “sexual predator”).

³⁴⁷ Section 1012.315(3) & (4), F.S.

³⁴⁸ Sections 1012.315 & 1012.56(10)(a) & (c), F.S.

³⁴⁹ Section 1012.32(2), F.S. (flush-left provisions at end of subsection); see also rule 6B-4.009(6), F.A.C. (defines “moral turpitude” as a basis for dismissing instructional personnel).

³⁵⁰ Sections 112.3173(2)(e)7., 121.091(5)(i), 794.09 & 800.05, F.S.; see also § 800.04 & ch. 794, F.S.

³⁵¹ Sections 112.3173(2)(e)7. & 121.091(5)(i), F.S.

³⁵² Sections 112.3173(3) & 121.091(5)(i), F.S.

³⁵³ Sections 1001.42(6), 1002.33(12)(g)3., 1002.421(4)(b) & 1012.795(1)(b), F.S.

- ❖ Refrain from giving an employment reference, for instructional personnel or school administrators who are fired or resign for misconduct, without disclosing the misconduct.³⁵⁴

If allegations arise against an employee in an educator-certificated position in a public school, charter school, or private school participating in an educational choice scholarship program, the school must submit a complaint to DOE within 30 days after the allegations come to the school's attention.³⁵⁵ District school superintendents must also report the misconduct of instructional personnel and school administrators to DOE, and DOE must maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files.³⁵⁶

Temporary Suspensions Pending Disciplinary Proceedings. The district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must immediately suspend instructional personnel or school administrators from regularly assigned duties, with pay, and reassign the suspended personnel or administrators to positions that do not require direct contact with students in the district school system, if:

- ❖ An allegation of misconduct by the instructional personnel or school administrators is received; and
- ❖ The alleged misconduct affects the health, safety, or welfare of a student.³⁵⁷

The suspension continues until the completion of the disciplinary proceedings and determination of sanctions, if any.³⁵⁸

Investigating Misconduct. After a complaint is submitted to DOE, the department determines whether the complaint is "legally sufficient," that is, contains ultimate facts to show that a violation has occurred for which there are grounds for disciplining an employee in an educator-certificated position.³⁵⁹ DOE's Office of Professional Practices Services (OPPS) investigates all legally sufficient complaints.³⁶⁰ OPPS must give priority to and immediately investigate any legally sufficient complaint that involves misconduct by any certified personnel which affects the health, safety, or welfare of a student.³⁶¹ OPPS advises the Commissioner of Education on its investigative findings.³⁶² DOE's legal counsel subsequently reviews the investigation and advises the commissioner whether probable cause exists to proceed with the complaint.³⁶³

Disciplining Misconduct. If the Commissioner of Education determines that probable cause exists to suspend, revoke, or otherwise take disciplinary action against an individual's educator

³⁵⁴ Sections 1001.42(6), 1002.33(12)(g)3. & 1002.421(4)(b), F.S.

³⁵⁵ Section 1012.796(1)(d) & (e), F.S.

³⁵⁶ *Id.*

³⁵⁷ Section 1012.796(5), F.S.

³⁵⁸ *Id.*

³⁵⁹ See § 1012.796(1)(a) & (d), F.S.

³⁶⁰ See § 1012.796(1)(a), F.S.; see also Florida Department of Education, *Role of Professional Practices Services*, http://www.fldoe.org/edstandards/role_of_pps.asp (last visited Sept. 30, 2008).

³⁶¹ See § 1012.796(1)(b), F.S.

³⁶² Section 1012.796(3), F.S.

³⁶³ *Id.*

certificate, the commissioner files a formal complaint under the Administrative Procedure Act.³⁶⁴ If there are disputed issues of material fact, the Division of Administrative Hearings assigns an administrative law judge to conduct an administrative hearing and make recommendations to the Education Practices Commission (EPC) on the appropriate disciplinary action.³⁶⁵ After the administrative law judge issues his or her recommendations, the EPC assigns the complaint to a hearing panel which issues a final order either dismissing the complaint or imposing an appropriate penalty.³⁶⁶ Final orders are subject to judicial review by a district court of appeal.³⁶⁷

What is the Education Practices Commission?

The Education Practices Commission (EPC) is responsible for interpreting and applying the *Principles of Professional Conduct for the Education Profession in Florida* adopted by the state board.³⁶⁸ The EPC is authorized to suspend or revoke the educator certificate of any person violating the laws, rules, and ethical standards governing the education profession.³⁶⁹

The EPC is composed of 25 members appointed by the State Board of Education from nominations submitted by the Commissioner of Education, and commission members are subject to confirmation by the Senate.³⁷⁰ The EPC's membership includes:

- ❖ Eight teachers;
- ❖ Five administrators (at least one of whom represents a private school);
- ❖ Seven lay citizens (five of whom are parents of public school students and are unrelated to public school employees and two of whom are former district school board members); and
- ❖ Five sworn law enforcement officers.³⁷¹

The EPC designates hearing panels to review and issue final orders in cases presented to the commission for the revocation, suspension, or other disciplinary action against a teacher's or school administrator's educator certificate. Cases concerning teachers must be reviewed by a hearing panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be teachers. Cases concerning school administrators must be reviewed by a hearing panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be administrators.³⁷²

Where can I get additional information?

Florida Department of Education

³⁶⁴ Section 1012.796(6), F.S.; *see also* ch. 120, F.S. (Administrative Procedure Act).

³⁶⁵ Sections 120.57(1) & 1012.796(6), F.S.

³⁶⁶ Section 1012.796(7), F.S.; *see also infra* text accompany note 372 (description of the EPC's hearing panels).

³⁶⁷ *See* § 120.68(1) & (2), F.S.

³⁶⁸ Section 1012.79(7)(a), F.S.; rule 6B-1.006, F.A.C.

³⁶⁹ *See* §§ 1012.79(7)(b) & 1012.795(1), F.S.

³⁷⁰ Section 1012.79(1), F.S.

³⁷¹ *Id.*

³⁷² Section 1012.79(8)(a), F.S.

Office of Professional Practices Services
(850) 245-0438
<http://www.fldoe.org/edstandards>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

Florida House of Representatives

Full Appropriations Council on Education & Economic Development
(850) 488-6204
<http://www.myfloridahouse.gov>