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LEGISLATIVE ACTION

Senate

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House

Senator Montford moved the following:

Senate Amendment (with title amendment)

Between lines 859 and 860

insert:

Section 10. Subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.-

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall



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12 include:

13 (a) For each school district:

14 1. The percentage of students, by school and grade level,
15 demonstrating learning growth in English Language Arts and
16 mathematics.

17 2. The percentage of students, by school and grade level,
18 in both the highest and lowest quartiles demonstrating learning
19 growth in English Language Arts and mathematics.

20 (b) Intervention and support strategies used by school
21 boards whose students in both the highest and lowest quartiles
22 exceed the statewide average learning growth for students in
23 those quartiles.

24 (c) Intervention and support strategies used by school
25 boards whose schools provide educational services to youth in
26 Department of Juvenile Justice programs that demonstrate
27 learning growth in English Language Arts and mathematics that
28 exceeds the statewide average learning growth for students in
29 those subjects. ~~Included in the report shall be a list of the~~
30 ~~schools, including schools operating for the purpose of~~
31 ~~providing educational services to youth in Department of~~
32 ~~Juvenile Justice programs, for which district school boards have~~
33 ~~developed intervention and support strategies and an analysis of~~
34 ~~the various strategies used by the school boards.~~

35
36 School reports shall be distributed pursuant to this subsection
37 and s. 1001.42(18)(b) and according to rules adopted by the
38 State Board of Education.

39 Section 11. Paragraph (a) of subsection (2) of section
40 1011.64, Florida Statutes, is amended to read:



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41 1011.64 School district minimum classroom expenditure
42 requirements.—

43 (2) For the purpose of implementing the provisions of this
44 section, the Legislature shall prescribe minimum academic
45 performance standards and minimum classroom expenditure
46 requirements for districts not meeting such minimum academic
47 performance standards in the General Appropriations Act.

48 (a) Minimum academic performance standards may be based on,
49 but are not limited to, district grades determined pursuant to
50 s. 1008.34 ~~1008.34(7)~~.

51 Section 12. Subsection (6) of section 1008.22, Florida
52 Statutes, is amended to read:

53 1008.22 Student assessment program for public schools.—

54 (6) LOCAL ASSESSMENTS.—

55 (a) Measurement of student performance ~~learning gains~~ in
56 all subjects and grade levels, except those subjects and grade
57 levels measured under the statewide, standardized assessment
58 program described in this section, is the responsibility of the
59 school districts.

60 (b) Except for those subjects and grade levels measured
61 under the statewide, standardized assessment program, beginning
62 with the 2014-2015 school year, each school district shall
63 administer for each course offered in the district a local
64 ~~student~~ assessment that measures student mastery of course ~~the~~
65 ~~content, as described in the state adopted course description,~~
66 at the necessary level of rigor for the course. As adopted
67 pursuant to State Board of Education rule, course content is set
68 forth in the state standards required by s. 1003.41 and in the
69 course description. Local ~~Such~~ assessments may include:



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- 70 1. Statewide assessments.
- 71 2. Other standardized assessments, including nationally
72 recognized standardized assessments.
- 73 3. Industry certification assessments ~~examinations~~.
- 74 4. District-developed or district-selected end-of-course
75 assessments.
- 76 5. Teacher-selected or principal-selected assessments.
- 77 (c) Each district school board must adopt policies for
78 selection, development, administration, and scoring of local
79 assessments and for collection of assessment results. Local
80 assessments implemented under subparagraphs (b)4. and 5. may
81 include a variety of assessment formats, including, but not
82 limited to, project-based assessments, adjudicated performances,
83 and practical application assignments. For all English Language
84 Arts, mathematics, science, and social studies courses offered
85 in the district that are used to meet graduation requirements
86 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are
87 not otherwise assessed by statewide, standardized assessments,
88 the district school board must select the assessments described
89 in subparagraphs (b)1.-4.
- 90 (d)~~(e)~~ The Commissioner of Education shall identify methods
91 to assist and support districts in the development and
92 acquisition of assessments required under this subsection.
93 Methods may include developing item banks, facilitating the
94 sharing of developed tests among school districts, acquiring
95 assessments from state and national curriculum-area
96 organizations, and providing technical assistance in best
97 professional practices of test development based upon state-
98 adopted curriculum standards, administration, and security.



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99 (e)~~(d)~~ Each school district shall establish schedules for
100 the administration of any district-mandated assessment and
101 approve the schedules as an agenda item at a district school
102 board meeting. The school district shall publish the testing
103 schedules on its website, clearly specifying the district-
104 mandated assessments, and report the schedules to the Department
105 of Education by October 1 of each year.

106 Section 13. Subsections (1), (7), and (8) of section
107 1012.34, Florida Statutes, are amended, and subsections (9) and
108 (10) are added to that section, to read:

109 1012.34 Personnel evaluation procedures and criteria.—

110 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

111 (a) For the purpose of increasing student academic
112 performance ~~learning growth~~ by improving the quality of
113 instructional, administrative, and supervisory services in the
114 public schools of the state, the district school superintendent
115 shall establish procedures for evaluating the performance of
116 duties and responsibilities of all instructional,
117 administrative, and supervisory personnel employed by the school
118 district. The district school superintendent shall provide
119 instructional personnel the opportunity to review their class
120 rosters for accuracy and to correct any mistakes. The district
121 school superintendent shall ~~annually~~ report accurate class
122 rosters for the purpose of calculating district and statewide
123 student performance and annually report the evaluation results
124 of instructional personnel and school administrators to the
125 Department of Education in addition to the information required
126 under subsection (5).

127 (b) The department must approve each school district's



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128 instructional personnel and school administrator evaluation
129 systems. The department shall monitor each district's
130 implementation of its instructional personnel and school
131 administrator evaluation systems for compliance with the
132 requirements of this section.

133 (c) Annually, by December 1, ~~2012~~, the Commissioner of
134 Education shall report to the Governor, the President of the
135 Senate, and the Speaker of the House of Representatives the
136 approval and implementation status of each school district's
137 instructional personnel and school administrator evaluation
138 systems. The report shall include performance evaluation results
139 for the prior school year for instructional personnel and school
140 administrators using the four levels of performance specified in
141 paragraph (2) (e). The performance evaluation results for
142 instructional personnel shall be disaggregated by classroom
143 teachers, as defined in s. 1012.01(2) (a), excluding substitute
144 teachers, and all other instructional personnel, as defined in
145 s. 1012.01(2) (b)-(d). The commissioner shall include in the
146 report each district's performance-level standards established
147 under subsection (7), a comparative analysis of the district's
148 student academic performance results and evaluation results,
149 data reported under s. 1012.341, ~~continue to report, by December~~
150 ~~1 each year thereafter, each school district's performance~~
151 ~~evaluation results~~ and the status of any evaluation system
152 revisions requested by a school district pursuant to subsection
153 (6).

154 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

155 (a) ~~By June 1, 2011~~, The Commissioner of Education shall
156 approve a formula to measure individual student learning growth



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157 on the statewide, standardized assessments in English Language
158 Arts and mathematics on the Florida Comprehensive Assessment
159 Test (FCAT) administered under s. 1008.22 1008.22(3)(c)1. The
160 formula must take into consideration each student's prior
161 academic performance. The formula must not set different
162 expectations for student learning growth based upon a student's
163 gender, race, ethnicity, or socioeconomic status. In the
164 development of the formula, the commissioner shall consider
165 other factors such as a student's attendance record, disability
166 status, or status as an English language learner. The
167 commissioner shall select additional formulas as appropriate for
168 the remainder of the statewide assessments included under s.
169 1008.22 and continue to select formulas as new assessments are
170 implemented in the state system. After the commissioner approves
171 the formula to measure individual student learning growth ~~on the~~
172 ~~FCAT and as additional formulas are selected by the commissioner~~
173 ~~for new assessments implemented in the state system,~~ the State
174 Board of Education shall adopt these formulas in ~~by~~ rule.

175 (b) ~~Beginning in the 2011-2012 school year,~~ Each school
176 district shall measure student learning growth using the
177 formulas ~~formula~~ approved by the commissioner under paragraph
178 (a) for courses associated with the statewide, standardized
179 assessments administered FCAT. ~~Each school district shall~~
180 ~~implement the additional student learning growth measures~~
181 ~~selected by the commissioner under paragraph (a) for the~~
182 ~~remainder of the statewide assessments included~~ under s. 1008.22
183 no later than the school year immediately following the year the
184 formula is approved by the commissioner as they become
185 available. ~~Beginning in the 2014-2015 school year,~~ For grades



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186 and subjects not assessed by statewide, standardized assessments
187 but otherwise assessed as required under s. 1008.22(6)
188 ~~1008.22(8)~~, each school district shall measure performance of
189 students ~~student learning growth~~ using a methodology determined
190 by the district ~~an equally appropriate formula~~. The department
191 shall provide models for measuring performance of students
192 ~~student learning growth~~ which school districts may adopt.

193 (c) For a course that is not measured by a statewide,
194 standardized assessment, a school district may request, through
195 the evaluation system approval process, to use a student's
196 ~~student~~ achievement level ~~measure~~ rather than a student learning
197 growth ~~measure~~ if achievement is demonstrated to be a more
198 appropriate measure of classroom teacher performance. A school
199 district may also request to use a combination of student
200 learning growth and achievement, if appropriate.

201 (d) ~~For~~ ~~if the student learning growth in a course that is~~
202 not measured by a statewide, standardized assessment ~~but is~~
203 ~~measured by a school district assessment~~, a school district may
204 request, through the evaluation system approval process, that
205 the performance evaluation for the classroom teacher assigned to
206 that course include the learning growth of his or her students
207 on one or more statewide, standardized assessments ~~FCAT Reading~~
208 ~~or FCAT Mathematics~~. The request must clearly explain the
209 rationale supporting the request. ~~However, the classroom~~
210 ~~teacher's performance evaluation must give greater weight to~~
211 ~~student learning growth on the district assessment.~~

212 (e) For purposes of this section and only for the 2014-2015
213 school year, a school district may use measurable learning
214 targets on local assessments administered under s. 1008.22(6) to



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215 evaluate the performance of students portion of a classroom
216 teacher's evaluation for courses that are not assessed by
217 statewide, standardized assessments. ~~classroom teachers of~~
218 ~~courses for which the district has not implemented appropriate~~
219 ~~assessments under s. 1008.22(8) or for which the school district~~
220 ~~has not adopted an equally appropriate measure of student~~
221 ~~learning growth under paragraphs (b) (d), student learning~~
222 ~~growth must be measured by the growth in learning of the~~
223 ~~classroom teacher's students on statewide assessments, or, for~~
224 ~~courses in which enrolled students do not take the statewide~~
225 ~~assessments, measurable Learning targets must be established~~
226 ~~based upon the goals of the school improvement plan and approved~~
227 ~~by the school principal. A district school superintendent may~~
228 ~~assign to instructional personnel in an instructional team the~~
229 ~~student learning growth of the instructional team's students on~~
230 ~~statewide assessments. This paragraph expires July 1, 2015.~~

231 (8) RULEMAKING.—The State Board of Education shall adopt
232 rules pursuant to ss. 120.536(1) and 120.54 which establish
233 uniform procedures for the submission, review, and approval of
234 district evaluation systems and reporting requirements for the
235 annual evaluation of instructional personnel and school
236 administrators; specific, discrete standards for each
237 performance level required under subsection (2) to ensure clear
238 and sufficient differentiation in the performance levels and to
239 provide consistency in meaning across school districts; the
240 measurement of student learning growth and associated
241 implementation procedures required under subsection (7); ~~a~~
242 ~~process to permit instructional personnel to review the class~~
243 ~~roster for accuracy and to correct any mistakes relating to the~~



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244 ~~identity of students for whom the individual is responsible;~~ and
245 a process for monitoring school district implementation of
246 evaluation systems in accordance with this section.

247 Specifically, the rules shall establish a student performance
248 levels learning growth standard that if not met will result in
249 the employee receiving an unsatisfactory performance evaluation
250 rating. In like manner, the rules shall establish a student
251 performance level learning growth standard that must be met in
252 order for an employee to receive a highly effective rating and a
253 student learning growth standard that must be met in order for
254 an employee to receive an effective rating.

255 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—
256 Standards for each performance level required under subsection
257 (2) shall be established by the State Board of Education
258 beginning with the 2015-2016 school year.

259 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON
260 EVALUATION PROGRESS.—School districts are eligible for bonus
261 rewards as provided for in the 2014 General Appropriations Act
262 for making outstanding progress toward educator effectiveness,
263 including implementation of instructional personnel salaries
264 based on performance results under s. 1012.34 and the use of
265 local assessment results in personnel evaluations when
266 statewide, standardized assessments are not administered.

267 Section 14. Section 1012.341, Florida Statutes, is amended
268 to read:

269 1012.341 Exemption from performance evaluation system and
270 compensation and salary schedule requirements.—

271 (1) Hillsborough County ~~Notwithstanding any other provision~~
272 ~~of this act,~~ a School District ~~that~~ received an exemption under



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273 Florida's Race to the Top Memorandum of Understanding for Phase
274 2, as provided in s. (D)(2)(ii) of the memorandum. Accordingly,
275 notwithstanding any other provision of law, Hillsborough County
276 School District, is allowed to base 40 percent, instead of 50
277 percent, of instructional personnel and school administrator
278 performance evaluations upon student performance learning growth
279 under s. 1012.34, ~~as amended by this act~~. The school district is
280 also exempt from the amendments to s. 1012.22(1)(c) made by
281 chapter 2011-1, Laws of Florida ~~this act~~. The exemptions
282 described in this subsection are effective beginning with ~~for~~
283 the 2011-2012 school year and until the expiration of this
284 section ~~are effective for each school year thereafter if the~~
285 ~~school district receives annual approval by the State Board of~~
286 ~~Education.~~

287 (2) By October 1, 2014, and by October 1 annually
288 thereafter, the superintendent of Hillsborough County School
289 District shall attest, in writing, to the Commissioner of
290 Education that ~~The State Board of Education shall base its~~
291 ~~approval upon demonstration by the school district of the~~
292 ~~following:~~

293 (a) The instructional personnel and school administrator
294 evaluation systems base at least 40 percent of an employee's
295 performance evaluation upon student performance and that student
296 performance is the single greatest component of an employee's
297 evaluation.

298 (b) The instructional personnel and school administrator
299 evaluation systems adopt the Commissioner of Education's student
300 learning growth formula for statewide assessments as provided
301 under s. 1012.34(7).



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302 (c) The school district's instructional personnel and
303 school administrator compensation system awards salary increases
304 based upon sustained student performance.

305 (d) The school district's contract system awards
306 instructional personnel and school administrators based upon
307 student performance and removes ineffective employees.

308 ~~(e) Beginning with the 2014-2015 school year and each~~
309 ~~school year thereafter, student learning growth based upon~~
310 ~~performance on statewide assessments under s. 1008.22 must have~~
311 ~~significantly improved compared to student learning growth in~~
312 ~~the district in 2011-2012 and significantly improved compared to~~
313 ~~other school districts.~~

314 (3) Failure to comply with subsection (2) is grounds for
315 the State Board of Education, at a public hearing, to revoke the
316 exemption ~~The State Board of Education shall annually renew a~~
317 ~~school district's exemptions if the school district demonstrates~~
318 ~~that it meets the requirements of subsection (2). If the~~
319 ~~exemptions are not renewed, the school district must comply with~~
320 ~~the requirements and laws described in subsection (1) by the~~
321 ~~beginning of the next school year immediately following the loss~~
322 ~~of the exemptions.~~

323 (4) ~~The State Board of Education shall adopt rules pursuant~~
324 ~~to ss. 120.536(1) and 120.54 to establish the procedures for~~
325 ~~applying for the exemptions and the criteria for renewing the~~
326 ~~exemptions.~~

327
328 This section is ~~shall be~~ repealed August 1, 2017, unless
329 reviewed and reenacted by the Legislature.

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331 ===== T I T L E A M E N D M E N T =====

332 And the title is amended as follows:

333 Delete line 31

334 and insert:

335 State Board of Education to adopt rules; amending s.
336 1008.345, F.S.; revising the contents of the
337 Commissioner of Education's report on school
338 improvement and education accountability to include
339 student learning growth information and intervention
340 and support strategies; amending s. 1011.64, F.S.;
341 correcting a cross-reference; amending s. 1008.22,
342 F.S.; authorizing use of teacher-selected or principal
343 selected assessments as a form of local assessment;
344 requiring a district school board to adopt policies
345 relating to selection, development, administration,
346 and scoring of local assessments; amending s. 1012.34,
347 F.S.; providing information to be included in annual
348 reports on the approval and implementation status of
349 school district personnel evaluation systems; revising
350 provisions relating to the measurement of student
351 learning growth for purposes of personnel evaluation;
352 conforming State Board of Education rulemaking
353 relating to performance evaluations; providing for
354 transition to new statewide, standardized assessments;
355 authorizing bonus rewards to school districts for
356 progress toward educator effectiveness; amending s.
357 1012.341, F.S.; removing rulemaking authority and
358 establishing a compliance verification process for the
359 exemption from performance evaluation system,



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compensation, and salary schedule requirements;
providing an