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581-01768B-15

Proposed Committee Substitute by the Committee on Education Pre-
K - 12

1 A bill to be entitled

2 An act relating to education accountability; amending
3 s. 1001.03, F.S.; revising the powers of the State
4 Board of Education to require adoption of rules
5 regarding notification forms for grade 3 retention and
6 midyear promotion, and high school graduation
7 requirements and options; amending s. 1008.22, F.S.;
8 removing the requirement that English Language Arts
9 statewide assessments be administered to students in
10 grade 11; prohibiting a school district from
11 administering a local assessment on a subject measured
12 under a statewide assessment; requiring a school
13 district to provide a student's performance results on
14 local assessments within a specified timeframe;
15 revising requirements for the administration of local
16 assessments; transferring provisions relating to
17 district school board policies regarding assessments;
18 restricting the amount of school hours that a school
19 district may dedicate to administer specified
20 assessments; providing exceptions; requiring a school
21 district to secure consent of a student's parent if
22 school hours dedicated to the administration of local
23 assessments exceed the threshold amount; authorizing a
24 student to take an examination or assessment adopted
25 pursuant to State Board of Education rule; revising
26 requirements regarding the school district's adoption
27 and publication of testing schedules; amending s.



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28 1008.25, F.S.; revising requirements for a district
29 school board's comprehensive student progression plan;
30 removing references regarding local assessments;
31 revising requirements regarding instruction and
32 reassessment of students who exhibit a reading
33 deficiency; amending s. 1008.30, F.S.; specifying
34 alternative assessments that may be accepted by public
35 postsecondary educational institutions in lieu of the
36 common placement test; revising requirements for state
37 board rules regarding common placement testing;
38 authorizing, rather than requiring, high schools to
39 perform specified college readiness evaluations;
40 amending s. 1008.34, F.S.; adding references to school
41 improvement ratings; amending s. 1012.34, F.S.;
42 revising the percentage thresholds for performance
43 evaluation criteria for instructional personnel and
44 school administrators; authorizing use of peer reviews
45 under the professional and job responsibilities
46 component of the evaluation; specifying standards for
47 the content and the administration of local
48 assessments; specifying requirements for eligibility
49 of salary adjustments for instructional personnel or
50 school administrators; requiring the state board to
51 adopt rules by a certain date; amending s. 1012.3401,
52 F.S.; revising the formula for a classroom teacher's
53 or school administrator's performance evaluation;
54 authorizing a school district to request approval from
55 the state board to use student performance results on
56 new statewide assessments for diagnostic and baseline



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57 purposes; requiring a district school superintendent
58 to submit the waiver request to the Commissioner of
59 Education; specifying required content of a waiver
60 request; requiring the commissioner to review and make
61 recommendations to the state board regarding each
62 waiver request; specifying conditions and requirements
63 for a school that is granted a waiver for the 2014-
64 2015 school year; providing for expiration; amending
65 ss. 1003.4282, 1003.4285, and 1012.22, F.S.;
66 conforming provisions to changes made by the act;
67 providing an effective date.

68

69 Be It Enacted by the Legislature of the State of Florida:

70

71 Section 1. Subsection (18) is added to section 1001.03,
72 Florida Statutes, to read:

73 1001.03 Specific powers of State Board of Education.—

74 (18) PUBLICATION OF GRADE 3 RETENTION AND MIDYEAR PROMOTION
75 AND HIGH SCHOOL GRADUATION REQUIREMENTS AND OPTIONS.— The State
76 Board of Education shall adopt by rule:

77 (a) A notification form that clearly identifies for parents
78 and students the grade 3 retention and midyear promotion
79 requirements, processes, and options, as well as the high school
80 graduation requirements, processes, and options. The rule must
81 require school districts to publish this notification form on
82 their websites and include the form in annual student handbooks.

83 (b) A requirement that school districts attach the
84 notification form when providing student performance results to
85 parents on statewide, standardized assessments administered



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86 pursuant to ss. 1002.69, 1003.56, and 1008.22.

87 Section 2. Paragraph (a) of subsection (3) and subsection
88 (6) of section 1008.22, Florida Statutes, are amended to read:

89 1008.22 Student assessment program for public schools.—

90 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The

91 Commissioner of Education shall design and implement a
92 statewide, standardized assessment program aligned to the core
93 curricular content established in the Next Generation Sunshine
94 State Standards. The commissioner also must develop or select
95 and implement a common battery of assessment tools that will be
96 used in all juvenile justice education programs in the state.

97 These tools must accurately measure the core curricular content
98 established in the Next Generation Sunshine State Standards.

99 Participation in the assessment program is mandatory for all
100 school districts and all students attending public schools,
101 including adult students seeking a standard high school diploma
102 under s. 1003.4282 and students in Department of Juvenile
103 Justice education programs, except as otherwise provided by law.
104 If a student does not participate in the assessment program, the
105 school district must notify the student's parent and provide the
106 parent with information regarding the implications of such
107 nonparticipation. The statewide, standardized assessment program
108 shall be designed and implemented as follows:

109 (a) *Statewide, standardized comprehensive assessments.*—The
110 statewide, standardized Reading assessment shall be administered
111 annually in grades 3 through 10. The statewide, standardized
112 Writing assessment shall be administered annually at least once
113 at the elementary, middle, and high school levels. When the
114 Reading and Writing assessments are replaced by English Language



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115 Arts (ELA) assessments, ELA assessments shall be administered to
116 students in grades 3 through 10 ~~11~~. Retake opportunities for the
117 grade 10 Reading assessment or, upon implementation, the grade
118 10 ELA assessment must be provided. Students taking the ELA
119 assessments shall not take the statewide, standardized
120 assessments in Reading or Writing. ELA assessments shall be
121 administered online. The statewide, standardized Mathematics
122 assessments shall be administered annually in grades 3 through
123 8. Students taking a revised Mathematics assessment shall not
124 take the discontinued assessment. The statewide, standardized
125 Science assessment shall be administered annually at least once
126 at the elementary and middle grades levels. In order to earn a
127 standard high school diploma, a student who has not earned a
128 passing score on the grade 10 Reading assessment or, upon
129 implementation, the grade 10 ELA assessment must earn a passing
130 score on the assessment retake or earn a concordant score as
131 authorized under subsection (7).

132 (6) LOCAL ASSESSMENTS.—

133 (a) Measurement of student performance in all subjects and
134 grade levels, except those subjects and grade levels measured
135 under the statewide, standardized assessment program described
136 in this section, is the responsibility of the school districts.
137 However, a school district may not administer a local assessment
138 for subjects and grade levels that are measured under the
139 statewide, standardized end-of-course assessments. A school
140 district must provide a student's performance results on
141 district-required local assessments to the student's teachers
142 and parents within 30 days after administering such assessments.

143 (b) ~~Except for those subjects and grade levels measured~~



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144 ~~under the statewide, standardized assessment program, beginning~~
145 ~~with the 2014-2015 school year, each school district shall~~
146 ~~administer for each course offered in the district a local~~
147 ~~assessment that measures student mastery of course content at~~
148 ~~the necessary level of rigor for the course. As adopted pursuant~~
149 ~~to State Board of Education rule, course content is set forth in~~
150 ~~the state standards required by s. 1003.41 and in the course~~
151 ~~description. Local assessments may include:~~

152 ~~1. Statewide assessments.~~

153 ~~2. Other standardized assessments, including nationally~~
154 ~~recognized standardized assessments.~~

155 ~~3. Industry certification assessments.~~

156 ~~4. District-developed or district-selected end-of-course~~
157 ~~assessments.~~

158 ~~5. Teacher-selected or principal-selected assessments.~~

159 ~~(c) Each district school board must adopt policies for~~
160 ~~selection, development, administration, and scoring of local~~
161 ~~assessments and for collection of assessment results. Local~~
162 ~~assessments implemented under subparagraphs (b) 4. and 5. may~~
163 ~~include a variety of assessment formats, including, but not~~
164 ~~limited to, project-based assessments, adjudicated performances,~~
165 ~~and practical application assignments. For all English Language~~
166 ~~Arts, mathematics, science, and social studies courses offered~~
167 ~~in the district that are used to meet graduation requirements~~
168 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
169 ~~not otherwise assessed by statewide, standardized assessments,~~
170 ~~the district school board must select the assessments described~~
171 ~~in subparagraphs (b) 1.-4.~~

172 ~~(d) The Commissioner of Education shall identify methods to~~



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173 assist and support districts in the development and acquisition
174 of local assessments ~~required under this subsection~~. Methods may
175 include developing item banks, facilitating the sharing of
176 developed tests among school districts, acquiring assessments
177 from state and national curriculum-area organizations, and
178 providing technical assistance in best professional practices of
179 test development based upon state-adopted curriculum standards,
180 administration, and security.

181 (c) ~~(e)~~ Each school district shall establish schedules for
182 the administration of any district-required local ~~district-~~
183 ~~mandated~~ assessment and approve the schedules as an agenda item
184 at a district school board meeting. A school district may not
185 schedule more than 5 percent of a student's total school hours
186 in a school year to administer statewide, standardized
187 assessments and district-required local assessments. The
188 district must secure written consent from a student's parent
189 before administering district-required local assessments that,
190 after applicable statewide, standardized assessments are
191 scheduled, exceed the 5 percent test administration limit for
192 that student under this paragraph. The 5 percent test
193 administration limit for a student under this paragraph may be
194 exceeded as needed to provide test accommodations that are
195 required by an IEP or are appropriate for an English language
196 learner who is currently receiving services in a program
197 operated in accordance with an approved English language learner
198 district plan pursuant to s. 1003.56. Notwithstanding this
199 paragraph, a student may choose within a school year to take an
200 examination or assessment adopted by State Board of Education
201 rule pursuant to this section and ss. 1007.27, 1008.30, and



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202 1008.44. The school district shall adopt its ~~publish the~~ testing
203 schedule for statewide, standardized assessments and district
204 required local assessments ~~schedules on its website,~~ clearly
205 specifying the estimates of average time for administering each
206 assessment by grade level. The district must publish on its
207 website ~~district-mandated assessments,~~ and report the schedules
208 to the Department of Education, in a format prescribed by the
209 department, by October 1 of each year.

210 Section 3. Paragraph (b) of subsection (2), subsections (3)
211 and (4), paragraphs (a) and (c) of subsection (5), and paragraph
212 (a) of subsection (8) of section 1008.25, Florida Statutes, are
213 amended to read:

214 1008.25 Public school student progression; remedial
215 instruction; reporting requirements.—

216 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district
217 school board shall establish a comprehensive plan for student
218 progression which must:

219 (b) Identify the ~~Provide~~ specific levels of performance in
220 reading, writing, science, and mathematics for each grade level,
221 ~~including the levels of performance on the~~ statewide,
222 standardized assessments required by s. 1008.22 as defined by
223 the commissioner, below which a student, pursuant to subsection
224 (4), must receive remediation or be retained within an intensive
225 program that is different from the previous year's program and
226 that takes into account the student's learning style.

227 (3) ALLOCATION OF RESOURCES.—District school boards shall
228 allocate remedial and supplemental instruction resources to
229 students in the following priority:

230 (a) Students who are deficient in reading by the end of



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231 grade 3.

232 (b) Students who fail to meet performance levels required
233 for promotion consistent with the district school board's plan
234 for student progression ~~required in paragraph (2)(b)~~.

235 (4) ASSESSMENT AND REMEDIATION.—

236 (a) Each student must participate in the statewide,
237 standardized assessment program required by s. 1008.22. Each
238 student who ~~does not meet specific levels of performance on the~~
239 ~~required assessments as determined by the district school board~~
240 ~~or who~~ scores below Level 3 on the statewide, standardized
241 Reading assessment or, upon implementation, the English Language
242 Arts assessment or on the statewide, standardized Mathematics
243 assessments in grades 3 through 8 and the Algebra I EOC
244 assessment must be provided with additional diagnostic
245 assessments to determine the nature of the student's difficulty,
246 the areas of academic need, and strategies for appropriate
247 intervention and instruction as described in paragraph (b).

248 (b) The school in which the student is enrolled must
249 develop, in consultation with the student's parent, and must
250 implement a progress monitoring plan. A progress monitoring plan
251 is intended to provide the school district and the school
252 flexibility in meeting the academic needs of the student and to
253 reduce paperwork. A student who is not meeting the ~~school~~
254 ~~district or~~ state requirements for proficiency in reading and
255 mathematics shall be covered by one of the following plans to
256 target instruction and identify ways to improve his or her
257 academic achievement:

258 1. A federally required student plan such as an individual
259 education plan;



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260 ~~2. A schoolwide system of progress monitoring for all~~
261 ~~students; or~~

262 2.3. An individualized progress monitoring plan.

263
264 The plan chosen must be designed to assist the student ~~or the~~
265 ~~school~~ in meeting state ~~and district~~ expectations for
266 proficiency. If the student has been identified as having a
267 deficiency in reading, the K-12 comprehensive reading plan
268 required by s. 1011.62(9) shall include instructional and
269 support services to be provided to meet the desired levels of
270 performance. District school boards may require low-performing
271 students to attend remediation programs held before or after
272 regular school hours or during the summer if transportation is
273 provided.

274 (c) Upon subsequent evaluation, if the documented
275 deficiency has not been remediated, the student may be retained.
276 Each student who does not meet the minimum performance
277 expectations identified in paragraph (2)(b) ~~defined by the~~
278 ~~Commissioner of Education for the statewide assessment tests in~~
279 ~~reading, writing, science, and mathematics~~ must continue to be
280 provided with remedial or supplemental instruction until the
281 expectations are met or the student graduates from high school
282 or is not subject to compulsory school attendance.

283 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

284 (a) Any student who exhibits a substantial deficiency in
285 reading, based upon ~~locally determined or~~ statewide assessments
286 conducted in kindergarten or grade 1, grade 2, or grade 3, such
287 as the statewide kindergarten screening administered under s.
288 1002.69 and subsequent related reading readiness screening or



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289 ~~through teacher observations~~, must be given intensive reading
290 instruction immediately following the identification of the
291 reading deficiency. The student's reading proficiency must be
292 reassessed ~~by locally determined assessments or through teacher~~
293 ~~observations at the beginning of the grade following the~~
294 ~~intensive reading instruction~~. The student must continue to be
295 provided with intensive reading instruction until the reading
296 deficiency is remedied.

297 (c) The parent of any student who exhibits a substantial
298 deficiency in reading, as described in paragraph (a), must be
299 notified in writing of the following:

300 1. That his or her child has been identified as having a
301 substantial deficiency in reading.

302 2. A description of the current services that are provided
303 to the child.

304 3. A description of the proposed supplemental instructional
305 services and supports that will be provided to the child that
306 are designed to remediate the identified area of reading
307 deficiency.

308 4. That if the child's reading deficiency is not remediated
309 by the end of grade 3, the child must be retained unless he or
310 she is exempt from mandatory retention for good cause.

311 5. Strategies for parents to use in helping their child
312 succeed in reading proficiency.

313 6. That the statewide, standardized assessment required
314 under s. 1008.22 for grade 3 ~~Florida Comprehensive Assessment~~
315 ~~Test (FCAT)~~ is not the sole determiner of promotion and that
316 additional evaluations, portfolio reviews, and assessments are
317 available to the child to assist parents and the school district



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318 in knowing when a child is reading at or above grade level and
319 ready for grade promotion.

320 7. The district's specific criteria and policies for a
321 portfolio as provided in subparagraph (6)(b)4. and the evidence
322 required for a student to demonstrate mastery of Florida's
323 academic standards for English Language Arts. A parent of a
324 student in grade 3 who is identified anytime during the year as
325 being at risk of retention may request that the school
326 immediately begin collecting evidence for a portfolio.

327 8. The district's specific criteria and policies for
328 midyear promotion. Midyear promotion means promotion of a
329 retained student at any time during the year of retention once
330 the student has demonstrated ability to read at grade level.

331 (8) ANNUAL REPORT.—

332 (a) In addition to the requirements in paragraph (5)(b),
333 each district school board must annually report to the parent of
334 each student the progress of the student toward achieving state
335 ~~and district~~ expectations for proficiency in reading, writing,
336 science, and mathematics. The district school board must report
337 to the parent the student's results on each statewide assessment
338 test. The evaluation of each student's progress must be based
339 upon the student's classroom work, observations, tests, district
340 and state assessments, and other relevant information. Progress
341 reporting must be provided to the parent in writing in a format
342 adopted by the district school board.

343 Section 4. Subsections (1) and (3) of section 1008.30,
344 Florida Statutes, are amended to read:

345 1008.30 Common placement testing for public postsecondary
346 education.—



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347 (1) The State Board of Education, in conjunction with the
348 Board of Governors, shall develop and implement a common
349 placement test for the purpose of assessing the basic
350 computation and communication skills of students who intend to
351 enter a degree program at any public postsecondary educational
352 institution. Alternative assessments, such as the SAT, ACT, and
353 other assessments identified by rule, that may be accepted in
354 lieu of the common placement test ~~shall also be identified in~~
355 ~~rule~~. Public postsecondary educational institutions shall
356 provide appropriate modifications of the test instruments or
357 test procedures for students with disabilities.

358 (3) The State Board of Education shall adopt rules that
359 authorize ~~require~~ high schools, at the request of a parent, to
360 evaluate before the beginning of grade 12 the college readiness
361 of a each student who scores Level 2 or Level 3 on grade 10 FCAT
362 Reading or the English Language Arts assessment under s.
363 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the
364 Algebra I assessment under s. 1008.22. High schools may ~~shall~~
365 perform this evaluation using results from the corresponding
366 component of the common placement test prescribed in this
367 section, or an alternative test identified by the State Board of
368 Education, such as the SAT, ACT, and other assessments
369 identified by rule. The high school shall use the results of the
370 test to advise the students of any identified deficiencies and
371 to recommend ~~provide 12th grade students, and require them to~~
372 ~~complete,~~ appropriate postsecondary preparatory instruction
373 before high school graduation as an option to 12th grade
374 students. The curriculum provided under this subsection shall be
375 identified in rule by the State Board of Education and encompass



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376 Florida's Postsecondary Readiness Competencies. Other elective
377 courses may not be substituted for the selected postsecondary
378 mathematics, reading, writing, or English Language Arts
379 preparatory course unless the elective course covers the same
380 competencies included in the postsecondary mathematics, reading,
381 writing, or English Language Arts preparatory course.

382 Section 5. Subsection (7) of section 1008.34, Florida
383 Statutes, is amended to read:

384 1008.34 School grading system; school report cards;
385 district grade.—

386 (7) TRANSITION.—School grades pursuant to this section and
387 school improvement ratings pursuant to s. 1008.341 for the 2013-
388 2014 school year shall be calculated based on statutes and rules
389 in effect on June 30, 2014. To assist in the transition to 2014-
390 2015 school grades and school improvement ratings, calculated
391 based on new statewide, standardized assessments administered
392 pursuant to s. 1008.22, the 2014-2015 school grades and school
393 improvement ratings shall serve as an informational baseline for
394 schools to work toward improved performance in future years.
395 Accordingly, notwithstanding any other provision of law:

396 (a) A school may not be required to select and implement a
397 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
398 year based on the school's 2014-2015 grade or school improvement
399 rating under s. 1008.341, as applicable.

400 (b)1. A school or approved provider under s. 1002.45 that
401 receives the same or a lower school grade or school improvement
402 rating for the 2014-2015 school year compared to the 2013-2014
403 school year is not subject to sanctions or penalties that would
404 otherwise occur as a result of the 2014-2015 school grade or



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405 rating. A charter school system or a school district designated
406 as high performing may not lose the designation based on the
407 2014-2015 school grades of any of the schools within the charter
408 school system or school district, as applicable.

409 2. The Florida School Recognition Program established under
410 s. 1008.36 shall continue to be implemented as otherwise
411 provided in the General Appropriations Act.

412 (c) For purposes of determining grade 3 retention pursuant
413 to s. 1008.25(5) and high school graduation pursuant to s.
414 1003.4282, student performance on the 2014-2015 statewide,
415 standardized assessments shall be linked to 2013-2014 student
416 performance expectations.

417

418 This subsection is repealed July 1, 2017.

419 Section 6. Paragraph (a) of subsection (3) and subsections
420 (7) and (8) of section 1012.34, Florida Statutes, are amended to
421 read:

422 1012.34 Personnel evaluation procedures and criteria.—

423 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
424 personnel and school administrator performance evaluations must
425 be based upon the performance of students assigned to their
426 classrooms or schools, as provided in this section. Pursuant to
427 this section, a school district's performance evaluation is not
428 limited to basing unsatisfactory performance of instructional
429 personnel and school administrators solely upon student
430 performance, but may include other criteria approved to evaluate
431 instructional personnel and school administrators' performance,
432 or any combination of student performance and other approved
433 criteria. Evaluation procedures and criteria must comply with,



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434 but are not limited to, the following:

435 (a) A performance evaluation must be conducted for each
436 employee at least once a year, except that a classroom teacher,
437 as defined in s. 1012.01(2)(a), excluding substitute teachers,
438 who is newly hired by the district school board must be observed
439 and evaluated at least twice in the first year of teaching in
440 the school district. The performance evaluation must be based
441 upon sound educational principles and contemporary research in
442 effective educational practices. The evaluation criteria must
443 include:

444 1. Performance of students.—At least 33 ~~50~~ percent of a
445 performance evaluation must be based upon data and indicators of
446 student learning growth assessed annually by statewide
447 assessments or, for subjects and grade levels not measured by
448 statewide assessments, by school district assessments pursuant
449 to subsection (7) ~~as provided in s. 1008.22(6)~~. Each school
450 district must use the formula adopted pursuant to paragraph
451 (7)(a) for measuring student learning growth in all courses
452 associated with statewide assessments and must select an equally
453 appropriate formula for measuring student learning growth for
454 all other grades and subjects, except as otherwise provided in
455 subsection (7).

456 a. For classroom teachers, as defined in s. 1012.01(2)(a),
457 excluding substitute teachers, the student learning growth
458 portion of the evaluation must include growth data for students
459 assigned to the teacher over the course of at least 3 years. If
460 less than 3 years of data are available, the years for which
461 data are available must be used and the percentage of the
462 evaluation based upon student learning growth may be reduced to



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463 not less than 30 ~~40~~ percent.

464 b. For instructional personnel who are not classroom
465 teachers, the student learning growth portion of the evaluation
466 must include growth data on statewide assessments for students
467 assigned to the instructional personnel over the course of at
468 least 3 years, or may include a combination of student learning
469 growth data and other measurable student outcomes that are
470 specific to the assigned position, provided that the student
471 learning growth data accounts for not less than 30 percent of
472 the evaluation. If less than 3 years of student growth data are
473 available, the years for which data are available must be used
474 and the percentage of the evaluation based upon student learning
475 growth may be reduced to not less than 20 percent.

476 c. For school administrators, the student learning growth
477 portion of the evaluation must include growth data for students
478 assigned to the school over the course of at least 3 years. If
479 less than 3 years of data are available, the years for which
480 data are available must be used and the percentage of the
481 evaluation based upon student learning growth may be reduced to
482 not less than 30 ~~40~~ percent.

483 2. Instructional practice.—At least 33 percent of a
484 performance evaluation ~~criteria used~~ when annually observing
485 classroom teachers, as defined in s. 1012.01(2)(a), excluding
486 substitute teachers, must include indicators based upon each of
487 the Florida Educator Accomplished Practices adopted by the State
488 Board of Education. Multiple observations must be used by
489 administrative personnel to evaluate the performance of each
490 classroom teacher. For instructional personnel who are not
491 classroom teachers, evaluation criteria must be based upon



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492 indicators of the Florida Educator Accomplished Practices and
493 may include specific job expectations related to student
494 support.

495 3. Instructional leadership.—At least 30 percent of a
496 performance evaluation for school administrators, evaluation
497 criteria must include indicators based upon each of the
498 leadership standards adopted by the State Board of Education
499 under s. 1012.986, including performance measures related to the
500 effectiveness of classroom teachers in the school, the
501 administrator's appropriate use of evaluation criteria and
502 procedures, recruitment and retention of effective and highly
503 effective classroom teachers, improvement in the percentage of
504 instructional personnel evaluated at the highly effective or
505 effective level, and other leadership practices that result in
506 student learning growth. The system may include a means to give
507 parents and instructional personnel an opportunity to provide
508 input into the administrator's performance evaluation.

509 4. Professional and job responsibilities.—For instructional
510 personnel and school administrators, no more than 33 percent of
511 a performance evaluation must include other professional and job
512 responsibilities ~~must be included~~ as adopted by the State Board
513 of Education. The district school board may identify additional
514 professional and job responsibilities. Peer reviews may be used
515 for this component.

516 (7) MEASUREMENT OF STUDENT LEARNING GROWTH; STATE AND LOCAL
517 ASSESSMENTS.—

518 (a) The Commissioner of Education shall approve a formula
519 to measure individual student learning growth on the statewide,
520 standardized assessments in English Language Arts and



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521 mathematics administered under s. 1008.22. The formula must take
522 into consideration each student's prior academic performance.
523 The formula must not set different expectations for student
524 learning growth based upon a student's gender, race, ethnicity,
525 or socioeconomic status. In the development of the formula, the
526 commissioner shall consider other factors such as a student's
527 attendance record, disability status, or status as an English
528 language learner. The commissioner shall select additional
529 formulas as appropriate for the remainder of the statewide
530 assessments included under s. 1008.22 and continue to select
531 formulas as new assessments are implemented in the state system.
532 After the commissioner approves the formula to measure
533 individual student learning growth, the State Board of Education
534 shall adopt these formulas in rule.

535 (b) For courses associated with the statewide, standardized
536 assessments under s. 1008.22, each school district shall measure
537 student learning growth using the formulas approved by the
538 commissioner under paragraph (a) ~~for courses associated with the~~
539 ~~statewide, standardized assessments administered under s.~~
540 ~~1008.22~~ no later than the school year immediately following the
541 year the formula is approved by the commissioner.

542 (c) For grades and subjects not assessed by statewide,
543 standardized assessments, but otherwise locally assessed
544 pursuant to paragraph (d) as required under s. 1008.22(6), each
545 school district shall measure performance of students using a
546 methodology determined by the district. The department shall
547 provide models for measuring performance of students which
548 school districts may adopt. However, for a course that is not
549 measured by a statewide, standardized assessment:



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550 ~~1.(c) For a course that is not measured by a statewide,~~
551 ~~standardized assessment,~~ A school district may request, through
552 the evaluation system approval process, to use a student's
553 achievement level rather than student learning growth if
554 achievement is demonstrated to be a more appropriate measure of
555 classroom teacher performance. A school district may also
556 request to use a combination of student learning growth and
557 achievement, if appropriate.

558 ~~2.(d) For a course that is not measured by a statewide,~~
559 ~~standardized assessment,~~ A school district may request, through
560 the evaluation system approval process, that the performance
561 evaluation for the classroom teacher assigned to that course
562 include the learning growth of his or her students on one or
563 more statewide, standardized assessments. The request must
564 clearly explain the rationale supporting the request.

565 ~~3.(e) For purposes of this section and only for the 2014-~~
566 ~~2015 school year,~~ a school district may use measurable learning
567 targets on local assessments administered under paragraph (d)
568 and s. 1008.22(6) to evaluate the performance of students
569 portion of a classroom teacher's evaluation ~~for courses that are~~
570 ~~not assessed by statewide, standardized assessments.~~ Learning
571 targets must be approved by the school principal. A district
572 school superintendent may assign to instructional personnel in
573 an instructional team the student learning growth of the
574 instructional team's students on statewide assessments. This
575 subparagraph ~~paragraph~~ expires July 1, 2015.

576 (d)1. Pursuant to s. 1008.22(6), school districts are
577 responsible for the measurement of student performance in all
578 subjects and grade levels, except those subjects and grade



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579 levels measured under the statewide, standardized assessment
580 program. For subjects and grade levels not measured under the
581 statewide, standardized program, each school district is
582 responsible for administering local assessments that measure
583 student mastery of course content at the necessary level of
584 rigor. A school district may not administer a local assessment
585 for subjects and grade levels that are measured under the
586 statewide, standardized end-of-course assessments. As adopted
587 pursuant to State Board of Education rule, course content is set
588 forth in the state standards required by s. 1003.41 and in the
589 course description. Local assessments may include:

- 590 a. Statewide assessments.
591 b. Other standardized assessments, including nationally
592 recognized standardized assessments.
593 c. Industry certification assessments.
594 d. District-developed or district-selected assessments.
595 e. Teacher-selected or principal-selected assessments.
596 2. Each district school board must adopt policies for
597 selection, development, administration, and scoring of district-
598 required local assessments and for collection of assessment
599 results. The school district must provide a student's
600 performance results on local assessments to the student's
601 teachers and parents within 30 days after administering such
602 assessments. Local assessments may include a variety of
603 assessment formats, including, but not limited to, project-based
604 assessments, adjudicated performances, and practical application
605 assignments. For all English Language Arts, mathematics,
606 science, and social studies courses offered in the district
607 which are used to meet graduation requirements under s.



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608 1002.3105, s. 1003.4281, or s. 1003.4282 and which are not
609 otherwise assessed by statewide, standardized assessments, the
610 district school board must select the assessments described in
611 sub-subparagraphs (d)1.a.-d. For an instructional personnel
612 employee or school administrator to be eligible for salary
613 adjustment under the performance salary schedule, pursuant to s.
614 1012.22, the student performance component of his or her
615 performance evaluation must be based on an assessment described
616 in sub-subparagraphs (d)1.a.-d. using a methodology determined
617 by the school district pursuant to paragraph (c).

618 (8) RULEMAKING.—No later than August 1, 2015, the State
619 Board of Education shall adopt rules pursuant to ss. 120.536(1)
620 and 120.54 which establish uniform procedures for the
621 submission, review, and approval of district evaluation systems
622 and reporting requirements for the annual evaluation of
623 instructional personnel and school administrators; specific,
624 discrete standards for each performance level required under
625 subsection (2) to ensure clear and sufficient differentiation in
626 the performance levels and to provide consistency in meaning
627 across school districts; the measurement of student learning
628 growth and associated implementation procedures required under
629 subsection (7); and a process for monitoring school district
630 implementation of evaluation systems in accordance with this
631 section. Specifically, the rules shall establish student
632 performance levels that if not met will result in the employee
633 receiving an unsatisfactory performance evaluation rating. In
634 like manner, the rules shall establish a student performance
635 level that must be met in order for an employee to receive a
636 highly effective rating and a student learning growth standard



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637 that must be met in order for an employee to receive an
638 effective rating.

639 Section 7. Section 1012.3401, Florida Statutes, is amended
640 to read:

641 1012.3401 Requirements for measuring student performance in
642 instructional personnel and school administrator performance
643 evaluations; performance evaluation of personnel for purposes of
644 performance salary schedule.—Notwithstanding any provision to
645 the contrary in ss. 1012.22 and 1012.34 regarding the
646 performance salary schedule and personnel evaluation procedures
647 and criteria:

648 (1) At least 33 ~~50~~ percent of a classroom teacher's or
649 school administrator's performance evaluation, ~~or 40 percent if~~
650 ~~less than 3 years of student performance data are available,~~
651 shall be based upon learning growth or achievement of the
652 teacher's students or, for a school administrator, the students
653 attending that school; the remaining portion shall be based upon
654 factors identified in district-determined, state-approved
655 evaluation system plans. Student achievement measures for
656 courses associated with statewide assessments may be used only
657 if a statewide growth formula has not been approved for that
658 assessment or, for courses associated with school district
659 assessments, if achievement is demonstrated to be a more
660 appropriate measure of teacher performance.

661 (2) The student performance data used in the performance
662 evaluation of nonclassroom instructional personnel shall be
663 based on student outcome data that reflects the actual
664 contribution of such personnel to the performance of the
665 students assigned to the individual in the individual's areas of



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666 responsibility.

667 (3) For purposes of the performance salary schedule in s.
668 1012.22, the student assessment data in the performance
669 evaluation must be from statewide assessments or local district-
670 determined assessments pursuant to ss. 1008.22(6) and 1012.34(7)
671 as required in s. 1008.22(6) in the subject areas taught.

672 Section 8. School district contingency plan.-
673 Notwithstanding s. 1008.34(7), Florida Statutes, a school
674 district may, by majority vote of the district school board,
675 request approval from the State Board of Education to waive all
676 requirements and benefits outlined in ss. 1008.34(7), 1008.36,
677 and 1003.621, Florida Statutes, and instead use results from
678 student performance on the new statewide, standardized
679 assessments administered in the 2014-2015 school year pursuant
680 to s. 1008.22, Florida Statutes, for diagnostic and baseline
681 purposes only.

682 (1) A school district's request must be submitted to the
683 Commissioner of Education by the school district superintendent,
684 during the period from the last day of administration of
685 statewide, standardized assessments through June 5, 2015, in
686 accordance with the guidelines established by the commissioner.
687 At a minimum, the request, must include identification of:

688 (a) The scope of the request, to apply either to the school
689 district or to a school or certain schools within the school
690 district. The request must be made at a district or school
691 level. The request may not be made at a grade level, a subject-
692 area level, or another level.

693 (b) The reason for the request, including a description of
694 the systemic or unique technical implementation failure.



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695 Quantifiable data substantiating the reason for such failure
696 must accompany the request. A school district's inability to
697 assess the minimum percentage of students pursuant to ss.
698 1008.34 and 1008.341, Florida Statutes, does not constitute a
699 reasonable justification for requesting the waiver under this
700 section.

701 (c) The school district's corrective action plan, which has
702 been adopted by the district school board, and certification
703 that the identified technical implementation failure must be
704 resolved in time for successful administration of the statewide,
705 standardized assessments during the 2015-2016 school year and
706 each school year thereafter. The district must identify how the
707 district plans to allocate resources and technical assistance
708 that the district needs from the Department of Education to
709 facilitate the district's successful resolution of technical
710 deficiencies.

711 (d) The school district's plan for using the diagnostic
712 data to facilitate continuous improvement in student performance
713 and the effectiveness of schools, instructional personnel, and
714 school administrators; public reporting on the performance of
715 students, schools, and the district; and informing parents about
716 instruction associated with remediation and retention and
717 options available to students including acceleration,
718 graduation, and school choice. The district must also describe
719 its plans for implementing student progression plans,
720 performance evaluations of instructional personnel and school
721 administrators, performance salary schedule requirements, and
722 other uses as identified by the commissioner.

723 (2) The commissioner shall review each request for a waiver



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724 and consult with the applicable school district superintendent.
725 The commissioner shall make, and provide reasons for,
726 recommendations to the State Board of Education regarding
727 granting or denying a request for waiver. The state board may
728 consider recommendations made by the commissioner to approve or
729 deny school district requests. Notwithstanding any other
730 provision of law, the commissioner's recommendation to approve a
731 request may, after consultation with the school district
732 superintendent, include conditional requirements that must apply
733 if approved by the state board. The decision of the state board,
734 including any modifications adopted by the state board, is
735 final.

736 (3) For only the 2014-2015 school year, if a waiver is
737 granted under this section:

738 (a) A school or a school district may not receive a school
739 grade, school improvement rating, or school district grade, as
740 applicable.

741 (b) A school may, at the school district's discretion,
742 choose to use new statewide, standardized assessment results in
743 performance evaluations of instructional personnel and school
744 administrators.

745 (c) A school district shall continue to have its student
746 performance results included in the statewide, standardized
747 assessment results published by the department pursuant to s.
748 1008.22, Florida Statutes.

749 (d) A school shall forfeit eligibility to earn school
750 recognition funds pursuant to s. 1008.36, Florida Statutes, as
751 provided in the General Appropriations Act.

752 (e) A school district shall forfeit the district's



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753 eligibility to earn the designation and benefits associated with
754 high performing school districts pursuant to s. 1003.621,
755 Florida Statutes.

756
757 This section expires July 1, 2016.

758 Section 9. Paragraph (a) of subsection (5) of section
759 1003.4282, Florida Statutes, is amended to read:

760 1003.4282 Requirements for a standard high school diploma.—

761 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

762 (a) Each year a student scores Level 1 or Level 2 on the
763 statewide, standardized grade 9 or grade 10 Reading assessment
764 or, when implemented, the grade 9 or, grade 10, ~~or grade 11~~ ELA
765 assessment, the student may, as an option to the student, enroll
766 ~~must be enrolled in and complete~~ an intensive remedial course
767 the following year or be placed in a content area course that
768 includes remediation of skills not acquired by the student.

769 Section 10. Paragraph (a) of subsection (1) of section
770 1003.4285, Florida Statutes, is amended to read:

771 1003.4285 Standard high school diploma designations.—

772 (1) Each standard high school diploma shall include, as
773 applicable, the following designations if the student meets the
774 criteria set forth for the designation:

775 (a) *Scholar designation.*—In addition to the requirements of
776 s. 1003.4282, in order to earn the Scholar designation, a
777 student must satisfy the following requirements:

778 1. ~~English Language Arts (ELA).~~—~~Beginning with students~~
779 ~~entering grade 9 in the 2014-2015 school year, pass the~~
780 ~~statewide, standardized grade 11 ELA assessment.~~

781 2. Mathematics.—Earn one credit in Algebra II and one



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782 credit in statistics or an equally rigorous course. Beginning
783 with students entering grade 9 in the 2014-2015 school year,
784 pass the Algebra II and Geometry statewide, standardized
785 assessments.

786 ~~2.3.~~ Science.—Pass the statewide, standardized Biology I
787 EOC assessment and earn one credit in chemistry or physics and
788 one credit in a course equally rigorous to chemistry or physics.
789 However, a student enrolled in an Advanced Placement (AP),
790 International Baccalaureate (IB), or Advanced International
791 Certificate of Education (AICE) Biology course who takes the
792 respective AP, IB, or AICE Biology assessment and earns the
793 minimum score necessary to earn college credit as identified
794 pursuant to s. 1007.27(2) meets the requirement of this
795 subparagraph without having to take the statewide, standardized
796 Biology I EOC assessment.

797 ~~3.4.~~ Social studies.—Pass the statewide, standardized
798 United States History EOC assessment. However, a student
799 enrolled in an AP, IB, or AICE course that includes United
800 States History topics who takes the respective AP, IB, or AICE
801 assessment and earns the minimum score necessary to earn college
802 credit as identified pursuant to s. 1007.27(2) meets the
803 requirement of this subparagraph without having to take the
804 statewide, standardized United States History EOC assessment.

805 ~~4.5.~~ Foreign language.—Earn two credits in the same foreign
806 language.

807 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
808 Placement, an International Baccalaureate, an Advanced
809 International Certificate of Education, or a dual enrollment
810 course.



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811 Section 11. Paragraph (c) of subsection (1) of section
812 1012.22, Florida Statutes, is amended to read:

813 1012.22 Public school personnel; powers and duties of the
814 district school board.—The district school board shall:

815 (1) Designate positions to be filled, prescribe
816 qualifications for those positions, and provide for the
817 appointment, compensation, promotion, suspension, and dismissal
818 of employees as follows, subject to the requirements of this
819 chapter:

820 (c) *Compensation and salary schedules.*—

821 1. Definitions.—As used in this paragraph, the term:

822 a. "Adjustment" means an addition to the base salary
823 schedule that is not a bonus and becomes part of the employee's
824 permanent base salary and shall be considered compensation under
825 s. 121.021(22).

826 b. "Grandfathered salary schedule" means the salary
827 schedule or schedules adopted by a district school board before
828 July 1, 2014, pursuant to subparagraph 4.

829 c. "Instructional personnel" means instructional personnel
830 as defined in s. 1012.01(2)(a)-(d), excluding substitute
831 teachers.

832 d. "Performance salary schedule" means the salary schedule
833 or schedules adopted by a district school board pursuant to
834 subparagraph 5.

835 e. "Salary schedule" means the schedule or schedules used
836 to provide the base salary for district school board personnel.

837 f. "School administrator" means a school administrator as
838 defined in s. 1012.01(3)(c).

839 g. "Supplement" means an annual addition to the base salary



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840 for the term of the negotiated supplement as long as the
841 employee continues his or her employment for the purpose of the
842 supplement. A supplement does not become part of the employee's
843 continuing base salary but shall be considered compensation
844 under s. 121.021(22).

845 2. Cost-of-living adjustment.—A district school board may
846 provide a cost-of-living salary adjustment if the adjustment:

847 a. Does not discriminate among comparable classes of
848 employees based upon the salary schedule under which they are
849 compensated.

850 b. Does not exceed 50 percent of the annual adjustment
851 provided to instructional personnel rated as effective.

852 3. Advanced degrees.—A district school board may not use
853 advanced degrees in setting a salary schedule for instructional
854 personnel or school administrators hired on or after July 1,
855 2011, unless the advanced degree is held in the individual's
856 area of certification and is only a salary supplement.

857 4. Grandfathered salary schedule.—

858 a. The district school board shall adopt a salary schedule
859 or salary schedules to be used as the basis for paying all
860 school employees hired before July 1, 2014. Instructional
861 personnel on annual contract as of July 1, 2014, shall be placed
862 on the performance salary schedule adopted under subparagraph 5.
863 Instructional personnel on continuing contract or professional
864 service contract may opt into the performance salary schedule if
865 the employee relinquishes such contract and agrees to be
866 employed on an annual contract under s. 1012.335. Such an
867 employee shall be placed on the performance salary schedule and
868 may not return to continuing contract or professional service



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869 contract status. Any employee who opts into the performance
870 salary schedule may not return to the grandfathered salary
871 schedule.

872 b. In determining the grandfathered salary schedule for
873 instructional personnel, a district school board must base a
874 portion of each employee's compensation upon performance
875 demonstrated under s. 1012.34 and shall provide differentiated
876 pay for both instructional personnel and school administrators
877 based upon district-determined factors, including, but not
878 limited to, additional responsibilities, school demographics,
879 critical shortage areas, and level of job performance
880 difficulties.

881 5. Performance salary schedule.—By July 1, 2014, the
882 district school board shall adopt a performance salary schedule
883 that provides annual salary adjustments for instructional
884 personnel and school administrators based upon performance
885 determined under s. 1012.34. Employees hired on or after July 1,
886 2014, or employees who choose to move from the grandfathered
887 salary schedule to the performance salary schedule shall be
888 compensated pursuant to the performance salary schedule once
889 they have received the appropriate performance evaluation for
890 this purpose. However, a classroom teacher whose performance
891 evaluation uses ~~utilizes~~ student learning growth measures
892 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall
893 remain under the grandfathered salary schedule until his or her
894 teaching assignment changes to a subject for which there is a
895 statewide, standardized assessment or district-required local ~~an~~
896 assessment or the school district establishes equally
897 appropriate measures of student learning growth as defined under



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898 s. 1012.34 and rules of the State Board of Education.

899 a. Base salary.—The base salary shall be established as
900 follows:

901 (I) The base salary for instructional personnel or school
902 administrators who opt into the performance salary schedule
903 shall be the salary paid in the prior year, including
904 adjustments only.

905 (II) Beginning July 1, 2014, instructional personnel or
906 school administrators new to the district, returning to the
907 district after a break in service without an authorized leave of
908 absence, or appointed for the first time to a position in the
909 district in the capacity of instructional personnel or school
910 administrator shall be placed on the performance salary
911 schedule.

912 b. Salary adjustments.—Salary adjustments for highly
913 effective or effective performance shall be established as
914 follows:

915 (I) The annual salary adjustment under the performance
916 salary schedule for an employee rated as highly effective must
917 be greater than the highest annual salary adjustment available
918 to an employee of the same classification through any other
919 salary schedule adopted by the district.

920 (II) The annual salary adjustment under the performance
921 salary schedule for an employee rated as effective must be equal
922 to at least 50 percent and no more than 75 percent of the annual
923 adjustment provided for a highly effective employee of the same
924 classification.

925 (III) The performance salary schedule shall not provide an
926 annual salary adjustment for an employee who receives a rating



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927 other than highly effective or effective for the year.

928 c. Salary supplements.—In addition to the salary
929 adjustments, each district school board shall provide for salary
930 supplements for activities that must include, but are not
931 limited to:

932 (I) Assignment to a Title I eligible school.

933 (II) Assignment to a school that earned a grade of "F" or
934 three consecutive grades of "D" pursuant to s. 1008.34 such that
935 the supplement remains in force for at least 1 year following
936 improved performance in that school.

937 (III) Certification and teaching in critical teacher
938 shortage areas. Statewide critical teacher shortage areas shall
939 be identified by the State Board of Education under s. 1012.07.
940 However, the district school board may identify other areas of
941 critical shortage within the school district for purposes of
942 this sub-sub-subparagraph and may remove areas identified by the
943 state board which do not apply within the school district.

944 (IV) Assignment of additional academic responsibilities.

945

946 If budget constraints in any given year limit a district school
947 board's ability to fully fund all adopted salary schedules, the
948 performance salary schedule may ~~shall~~ not be reduced on the
949 basis of total cost or the value of individual awards in a
950 manner that is proportionally greater than reductions to any
951 other salary schedules adopted by the district.

952 Section 12. This act shall take effect upon becoming a law.