

By the Committees on Appropriations; and Education Pre-K - 12;
and Senator Legg

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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; requiring that assessments be delivered
11 through computer-based testing; providing exceptions;
12 specifying minimum requirements for paper-based
13 administration of assessments; requiring that
14 performance results on specified assessments be
15 provided to teachers and parents within a specified
16 timeframe; providing applicability; requiring the
17 Department of Education to collect and distribute
18 liquidated damages relating to the administration of
19 specified assessments to school districts under
20 certain circumstances; prohibiting a school district
21 from administering a local assessment on a subject
22 measured under a statewide assessment; requiring a
23 school district to provide a student's performance
24 results on local assessments within a specified
25 timeframe; revising requirements for the
26 administration of local assessments; restricting the
27 number of school hours that a school district may
28 dedicate to administer specified assessments;
29 providing exceptions; requiring a school district to

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30 secure consent of a student's parent if school hours
31 dedicated to the administration of local assessments
32 exceed the threshold amount; authorizing a student to
33 take an examination or assessment adopted pursuant to
34 State Board of Education rule; revising requirements
35 regarding the school district's adoption and
36 publication of testing schedules; amending s. 1008.24,
37 F.S.; authorizing a school district to use district
38 employees to administer and proctor specified
39 assessments; providing minimum requirements for State
40 Board of Education rules regarding the training of
41 such employees; amending s. 1008.25, F.S.; revising
42 requirements for a district school board's
43 comprehensive student progression plan; removing
44 references regarding local assessments; revising
45 requirements regarding instruction and reassessment of
46 students who exhibit a reading deficiency; amending s.
47 1008.30, F.S.; specifying alternative assessments that
48 may be accepted by public postsecondary educational
49 institutions in lieu of the common placement test;
50 revising requirements for state board rules regarding
51 common placement testing; authorizing, rather than
52 requiring, high schools to perform specified college
53 readiness evaluations; amending s. 1008.34, F.S.;
54 adding references to school improvement ratings to
55 provisions regarding the school grading system;
56 specifying applicability of certain accountability
57 measures to schools using turnaround options;
58 requiring that students who score in the bottom

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59 quintile on the 2014-2015 grade 3 English Language
60 Arts assessment be identified as at-risk students;
61 requiring that each school district notify such
62 students' parents, provide evidence, and provide
63 intervention and support services; amending s.
64 1011.62, F.S.; requiring the Department of Education
65 to contract with an independent, auditing entity if
66 the administration of online assessments after a
67 certain date does not comply with the minimum
68 assessment protocols and requirements established by
69 the department; requiring the auditing entity to
70 perform certain duties; amending s. 1012.34, F.S.;
71 revising requirements for the Commissioner of
72 Education's annual report to the Governor and the
73 Legislature regarding personnel evaluation systems;
74 revising the percentage thresholds for performance
75 evaluation criteria for instructional personnel and
76 school administrators; revising requirements for the
77 measurement of student performance; prescribing
78 requirements for school districts regarding educator
79 performance evaluations and related student
80 performance results; requiring the state board to
81 adopt rules by a certain date; revising rule
82 requirements; removing a provision regarding district
83 bonus awards; conforming a cross-reference; repealing
84 s. 1012.3401, F.S., relating to the measurement of
85 student performance in personnel evaluations;
86 authorizing a school district to request approval from
87 the state board to use student performance results on

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88 new statewide assessments for diagnostic and baseline
89 purposes; requiring a district school superintendent
90 to submit the waiver request to the Commissioner of
91 Education; specifying required content of a waiver
92 request; requiring the commissioner to review and make
93 recommendations to the state board regarding each
94 waiver request; specifying conditions and requirements
95 for a school that is granted a waiver for the 2014-
96 2015 school year; providing for expiration; requiring
97 the Office of Program Policy Analysis and Government
98 Accountability (OPPAGA) to complete a study regarding
99 the leasing of examination questions; requiring OPPAGA
100 to submit a report summarizing the study findings to
101 the Legislature by a specified date; amending ss.
102 1003.4282, 1003.4285, and 1012.22, F.S.; conforming
103 provisions to changes made by the act; providing an
104 effective date.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Subsection (18) is added to section 1001.03,
109 Florida Statutes, to read:

110 1001.03 Specific powers of State Board of Education.—

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

114 (a) A notification form that clearly identifies for parents
115 and students the grade 3 retention and midyear promotion
116 requirements, processes, and options, as well as the high school

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117 graduation requirements, processes, and options. The rule must
118 require school districts to publish this notification form on
119 their websites and include the form in annual student handbooks.

120 (b) A requirement that school districts attach the
121 notification form when providing student performance results to
122 parents on statewide, standardized assessments administered
123 pursuant to ss. 1002.69, 1003.56, and 1008.22.

124 Section 2. Paragraphs (a), (d), and (h) of subsection (3)
125 and subsection (6) of section 1008.22, Florida Statutes, are
126 amended to read:

127 1008.22 Student assessment program for public schools.—

128 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
129 Commissioner of Education shall design and implement a
130 statewide, standardized assessment program aligned to the core
131 curricular content established in the Next Generation Sunshine
132 State Standards. The commissioner also must develop or select
133 and implement a common battery of assessment tools that will be
134 used in all juvenile justice education programs in the state.
135 These tools must accurately measure the core curricular content
136 established in the Next Generation Sunshine State Standards.
137 Participation in the assessment program is mandatory for all
138 school districts and all students attending public schools,
139 including adult students seeking a standard high school diploma
140 under s. 1003.4282 and students in Department of Juvenile
141 Justice education programs, except as otherwise provided by law.
142 If a student does not participate in the assessment program, the
143 school district must notify the student's parent and provide the
144 parent with information regarding the implications of such
145 nonparticipation. The statewide, standardized assessment program

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146 shall be designed and implemented as follows:

147 (a) *Statewide, standardized comprehensive assessments.*—The
148 statewide, standardized Reading assessment shall be administered
149 annually in grades 3 through 10. The statewide, standardized
150 Writing assessment shall be administered annually at least once
151 at the elementary, middle, and high school levels. When the
152 Reading and Writing assessments are replaced by English Language
153 Arts (ELA) assessments, ELA assessments shall be administered to
154 students in grades 3 through 10 ~~11~~. Retake opportunities for the
155 grade 10 Reading assessment or, upon implementation, the grade
156 10 ELA assessment must be provided. Students taking the ELA
157 assessments shall not take the statewide, standardized
158 assessments in Reading or Writing. ELA assessments shall be
159 administered online. The statewide, standardized Mathematics
160 assessments shall be administered annually in grades 3 through
161 8. Students taking a revised Mathematics assessment shall not
162 take the discontinued assessment. The statewide, standardized
163 Science assessment shall be administered annually at least once
164 at the elementary and middle grades levels. In order to earn a
165 standard high school diploma, a student who has not earned a
166 passing score on the grade 10 Reading assessment or, upon
167 implementation, the grade 10 ELA assessment must earn a passing
168 score on the assessment retake or earn a concordant score as
169 authorized under subsection (7).

170 (d) *Implementation schedule.*—

171 1. The Commissioner of Education shall establish and
172 publish on the department's website an implementation schedule
173 to transition from the statewide, standardized Reading and
174 Writing assessments to the ELA assessments and to the revised

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175 Mathematics assessments, including the Algebra I and Geometry
176 EOC assessments. The schedule must take into consideration
177 funding, sufficient field and baseline data, access to
178 assessments, instructional alignment, and school district
179 readiness to administer the assessments online. All such
180 assessments must be delivered through computer-based testing.
181 However, the following assessments must be delivered in a
182 computer-based format, as follows: the grade 3 ELA assessment
183 beginning in the 2017-2018 school year; the grade 3 mathematics
184 assessment beginning in the 2016-2017 school year; the grade 4
185 ELA assessment beginning in the 2015-2016 school year; and the
186 grade 4 Mathematics assessment beginning in the 2016-2017 school
187 year. Paper-based administrations of assessments must, at a
188 minimum, include paper-based accommodations available for
189 eligible students whose IEPs or Section 504 plans indicate a
190 need for a paper-based format.

191 2. The Department of Education shall publish minimum and
192 recommended technology requirements that include specifications
193 for hardware, software, networking, security, and broadband
194 capacity to facilitate school district compliance with the
195 requirement that assessments be administered online.

196 (h) *Contracts for assessments.*—

197 1. The commissioner shall provide for the assessments to be
198 developed or obtained, as appropriate, through contracts and
199 project agreements with private vendors, public vendors, public
200 agencies, postsecondary educational institutions, or school
201 districts. The commissioner may enter into contracts for the
202 continued administration of the assessments authorized and
203 funded by the Legislature. Contracts may be initiated in 1

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204 fiscal year and continue into the next fiscal year and may be
205 paid from the appropriations of either or both fiscal years. The
206 commissioner may negotiate for the sale or lease of tests,
207 scoring protocols, test scoring services, and related materials
208 developed pursuant to law.

209 2. A student's performance results on statewide,
210 standardized comprehensive assessments, EOC assessments, and
211 Florida Alternate Assessments administered pursuant to this
212 subsection must be provided to the student's teachers and
213 parents within 30 days after administering such assessments.
214 This subparagraph does not apply to existing contracts for such
215 assessments, but shall apply to new contracts and any renewal of
216 existing contracts for such assessments.

217 3. If liquidated damages are applicable, the department
218 shall collect and distribute liquidated damages that are due in
219 response to the administration of the spring 2015 computer-based
220 assessments of the department's Florida Standards Assessment
221 contract with American Institutes for Research, to school
222 districts as determined by the Legislature.

223 (6) LOCAL ASSESSMENTS.—

224 (a) Measurement of student performance ~~in all subjects and~~
225 ~~grade levels~~, except in those subjects and grade levels measured
226 under the statewide, standardized assessment program described
227 in this section, is the responsibility of the school districts.
228 However, a school district may not administer an additional,
229 cumulative final local assessment for a course measured under a
230 statewide, standardized end-of-course assessment. A school
231 district must provide a student's performance results on
232 district-required local assessments to the student's teachers

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233 and parents within 30 days after administering such assessments.

234 ~~(b) Except for those subjects and grade levels measured~~
235 ~~under the statewide, standardized assessment program, beginning~~
236 ~~with the 2014-2015 school year, each school district shall~~
237 ~~administer for each course offered in the district a local~~
238 ~~assessment that measures student mastery of course content at~~
239 ~~the necessary level of rigor for the course. As adopted pursuant~~
240 ~~to State Board of Education rule, course content is set forth in~~
241 ~~the state standards required by s. 1003.41 and in the course~~
242 ~~description. Local assessments may include:~~

243 ~~1. Statewide assessments.~~

244 ~~2. Other standardized assessments, including nationally~~
245 ~~recognized standardized assessments.~~

246 ~~3. Industry certification assessments.~~

247 ~~4. District developed or district selected end-of-course~~
248 ~~assessments.~~

249 ~~5. Teacher selected or principal selected assessments.~~

250 ~~(c) Each district school board must adopt policies for~~
251 ~~selection, development, administration, and scoring of local~~
252 ~~assessments and for collection of assessment results. Local~~
253 ~~assessments implemented under subparagraphs (b)4. and 5. may~~
254 ~~include a variety of assessment formats, including, but not~~
255 ~~limited to, project-based assessments, adjudicated performances,~~
256 ~~and practical application assignments. For all English Language~~
257 ~~Arts, mathematics, science, and social studies courses offered~~
258 ~~in the district that are used to meet graduation requirements~~
259 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
260 ~~not otherwise assessed by statewide, standardized assessments,~~
261 ~~the district school board must select the assessments described~~

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262 ~~in subparagraphs (b)1.-4.~~

263 ~~(d)~~ The Commissioner of Education shall identify methods to
264 assist and support districts in the development and acquisition
265 of local assessments ~~required under this subsection~~. Methods may
266 include developing item banks, facilitating the sharing of
267 developed tests among school districts, acquiring assessments
268 from state and national curriculum-area organizations, and
269 providing technical assistance in best professional practices of
270 test development based upon state-adopted curriculum standards,
271 administration, and security.

272 ~~(c)-(e)~~ Each school district shall establish schedules for
273 the administration of any district-required local ~~district-~~
274 ~~mandated~~ assessment and approve the schedules as an agenda item
275 at a district school board meeting. A school district may not
276 schedule more than 5 percent of a student's total school hours
277 in a school year to administer statewide, standardized
278 assessments and district-required local assessments. The
279 district must secure written consent from a student's parent
280 before administering district-required local assessments that,
281 after applicable statewide, standardized assessments are
282 scheduled, exceed the 5 percent test administration limit for
283 that student under this paragraph. The 5 percent test
284 administration limit for a student under this paragraph may be
285 exceeded as needed to provide test accommodations that are
286 required by an IEP or are appropriate for an English language
287 learner who is currently receiving services in a program
288 operated in accordance with an approved English language learner
289 district plan pursuant to s. 1003.56. Notwithstanding this
290 paragraph, a student may choose within a school year to take an

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291 examination or assessment adopted by State Board of Education
292 rule pursuant to this section and ss. 1007.27, 1008.30, and
293 1008.44. The school district shall adopt its ~~publish the~~ testing
294 schedule for statewide, standardized assessments and district
295 required local assessments ~~schedules on its website~~, clearly
296 specifying the estimates of average time for administering such
297 assessment by grade level. The district shall publish on its
298 website ~~district-mandated assessments~~, and report the schedules
299 to the Department of Education, in a format prescribed by the
300 department, by October 1 of each year.

301 Section 3. Subsection (3) of section 1008.24, Florida
302 Statutes, is amended to read:

303 1008.24 Test administration and security; public records
304 exemption.—

305 (3) (a) A school district may contract with qualified
306 contractors to administer and proctor statewide, standardized
307 assessments required under s. 1008.22 or assessments associated
308 with Florida approved courses under s. 1003.499, as approved by
309 the Department of Education in accordance with rules of the
310 State Board of Education. Assessments may be administered or
311 proctored by qualified contractors at sites that meet criteria
312 established by rules of the State Board of Education and adopted
313 pursuant to ss. 120.536(1) and 120.54 to implement the
314 contracting requirements of this subsection.

315 (b) A school district may use district employees, such as
316 education paraprofessionals as described in s. 1012.37, to
317 administer and proctor statewide, standardized assessments
318 required under s. 1008.22 or assessments associated with Florida
319 approved courses under s. 1003.499, in accordance with this

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320 section and related rules adopted by the State Board of
321 Education. The rules must establish training requirements that
322 must be successfully completed by district employees prior to
323 the employees performing duties pursuant this paragraph.

324 Section 4. Paragraph (b) of subsection (2), subsections (3)
325 and (4), paragraphs (a) and (c) of subsection (5), and paragraph
326 (a) of subsection (8) of section 1008.25, Florida Statutes, are
327 amended to read:

328 1008.25 Public school student progression; remedial
329 instruction; reporting requirements.—

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

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

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

344 (a) Students who are deficient in reading by the end of
345 grade 3.

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

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349 (4) ASSESSMENT AND REMEDIATION.—

350 (a) Each student must participate in the statewide,
351 standardized assessment program required by s. 1008.22. Each
352 student who ~~does not meet specific levels of performance on the~~
353 ~~required assessments as determined by the district school board~~
354 ~~or who~~ scores below Level 3 on the statewide, standardized
355 Reading assessment or, upon implementation, the English Language
356 Arts assessment or on the statewide, standardized Mathematics
357 assessments in grades 3 through 8 and the Algebra I EOC
358 assessment must be provided with additional diagnostic
359 assessments to determine the nature of the student's difficulty,
360 the areas of academic need, and strategies for appropriate
361 intervention and instruction as described in paragraph (b).

362 (b) The school in which the student is enrolled must
363 develop, in consultation with the student's parent, and must
364 implement a progress monitoring plan. A progress monitoring plan
365 is intended to provide the school district and the school
366 flexibility in meeting the academic needs of the student and to
367 reduce paperwork. A student who is not meeting the ~~school~~
368 ~~district or~~ state requirements for proficiency in reading and
369 mathematics shall be covered by one of the following plans to
370 target instruction and identify ways to improve his or her
371 academic achievement:

372 1. A federally required student plan such as an individual
373 education plan;

374 ~~2. A schoolwide system of progress monitoring for all~~
375 ~~students;~~ or

376 2.3. An individualized progress monitoring plan.

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378 The plan chosen must be designed to assist the student ~~or the~~
379 ~~school~~ in meeting state ~~and district~~ expectations for
380 proficiency. If the student has been identified as having a
381 deficiency in reading, the K-12 comprehensive reading plan
382 required by s. 1011.62(9) shall include instructional and
383 support services to be provided to meet the desired levels of
384 performance. District school boards may require low-performing
385 students to attend remediation programs held before or after
386 regular school hours or during the summer if transportation is
387 provided.

388 (c) Upon subsequent evaluation, if the documented
389 deficiency has not been remediated, the student may be retained.
390 Each student who does not meet the minimum performance
391 expectations identified in paragraph (2) (b) ~~defined by the~~
392 ~~Commissioner of Education for the statewide assessment tests in~~
393 ~~reading, writing, science, and mathematics~~ must continue to be
394 provided with remedial or supplemental instruction until the
395 expectations are met or the student graduates from high school
396 or is not subject to compulsory school attendance.

397 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

398 (a) Any student who exhibits a substantial deficiency in
399 reading, based upon ~~locally determined or~~ statewide assessments
400 conducted in kindergarten or grade 1, grade 2, or grade 3, such
401 as the statewide kindergarten screening administered under s.
402 1002.69 and subsequent related reading readiness screening ~~or~~
403 ~~through teacher observations~~, must be given intensive reading
404 instruction immediately following the identification of the
405 reading deficiency. The student's reading proficiency must be
406 reassessed ~~by locally determined assessments or through teacher~~

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407 ~~observations at the beginning of the grade following the~~
408 ~~intensive reading instruction.~~ The student must continue to be
409 provided with intensive reading instruction until the reading
410 deficiency is remedied.

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

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

416 2. A description of the current services that are provided
417 to the child.

418 3. A description of the proposed supplemental instructional
419 services and supports that will be provided to the child that
420 are designed to remediate the identified area of reading
421 deficiency.

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

425 5. Strategies for parents to use in helping their child
426 succeed in reading proficiency.

427 6. That the statewide, standardized assessment required
428 under s. 1008.22 ~~Florida Comprehensive Assessment Test (FCAT)~~ is
429 not the sole determiner of promotion and that additional
430 evaluations, portfolio reviews, and assessments are available to
431 the child to assist parents and the school district in knowing
432 when a child is reading at or above grade level and ready for
433 grade promotion.

434 7. The district's specific criteria and policies for a
435 portfolio as provided in subparagraph (6) (b) 4. and the evidence

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436 required for a student to demonstrate mastery of Florida's
437 academic standards for English Language Arts. A parent of a
438 student in grade 3 who is identified anytime during the year as
439 being at risk of retention may request that the school
440 immediately begin collecting evidence for a portfolio.

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

445 (8) ANNUAL REPORT.—

446 (a) In addition to the requirements in paragraph (5) (b),
447 each district school board must annually report to the parent of
448 each student the progress of the student toward achieving state
449 ~~and district~~ expectations for proficiency in reading, writing,
450 science, and mathematics. The district school board must report
451 to the parent the student's results on each statewide assessment
452 test. The evaluation of each student's progress must be based
453 upon the student's classroom work, observations, tests, district
454 and state assessments, and other relevant information. Progress
455 reporting must be provided to the parent in writing in a format
456 adopted by the district school board.

457 Section 5. Subsections (1) and (3) of section 1008.30,
458 Florida Statutes, are amended to read:

459 1008.30 Common placement testing for public postsecondary
460 education.—

461 (1) The State Board of Education, in conjunction with the
462 Board of Governors, shall develop and implement a common
463 placement test for the purpose of assessing the basic
464 computation and communication skills of students who intend to

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465 enter a degree program at any public postsecondary educational
466 institution. Alternative assessments, such as the SAT, the ACT,
467 and other assessments identified by rule, ~~that~~ may be accepted
468 in lieu of the common placement test ~~shall also be identified in~~
469 ~~rule~~. Public postsecondary educational institutions shall
470 provide appropriate modifications of the test instruments or
471 test procedures for students with disabilities.

472 (3) The State Board of Education shall adopt rules that
473 authorize ~~require~~ high schools, at the request of a parent, to
474 evaluate before the beginning of grade 12 the college readiness
475 of a each student who scores Level 2 or Level 3 on grade 10 FCAT
476 Reading or the English Language Arts assessment under s.
477 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the
478 Algebra I assessment under s. 1008.22. High schools may ~~shall~~
479 perform this evaluation using results from the corresponding
480 component of the common placement test prescribed in this
481 section, or an alternative test identified by the State Board of
482 Education, such as the SAT, the ACT, and other assessments
483 identified by rule. The high school shall use the results of the
484 test to advise the students of any identified deficiencies and
485 to recommend ~~provide 12th grade students, and require them to~~
486 ~~complete,~~ appropriate postsecondary preparatory instruction
487 before high school graduation as an option to grade 12 students.
488 The curriculum provided under this subsection shall be
489 identified in rule by the State Board of Education and encompass
490 Florida's Postsecondary Readiness Competencies. Other elective
491 courses may not be substituted for the selected postsecondary
492 mathematics, reading, writing, or English Language Arts
493 preparatory course unless the elective course covers the same

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494 competencies included in the postsecondary mathematics, reading,
495 writing, or English Language Arts preparatory course.

496 Section 6. Subsection (7) of section 1008.34, Florida
497 Statutes, is amended to read:

498 1008.34 School grading system; school report cards;
499 district grade.—

500 (7) TRANSITION.—School grades pursuant to this section and
501 school improvement ratings pursuant to s. 1008.341 for the 2013-
502 2014 school year shall be calculated based on statutes and rules
503 in effect on June 30, 2014. To assist in the transition to 2014-
504 2015 school grades and school improvement ratings, calculated
505 based on new statewide, standardized assessments administered
506 pursuant to s. 1008.22, the 2014-2015 school grades and school
507 improvement ratings shall serve as an informational baseline for
508 schools to work toward improved performance in future years.
509 Accordingly, notwithstanding any other provision of law:

510 (a) A school may not be required to select and implement a
511 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
512 year based on the school's 2014-2015 grade or school improvement
513 rating under s. 1008.341, as applicable. The benefits of s.
514 1008.33(4)(c), relating to a school being released from
515 implementation of the turnaround option, and s. 1008.33(4)(d),
516 relating to a school implementing strategies identified in its
517 school improvement plan, apply to a school using turnaround
518 options pursuant to s. 1008.33 which improves at least one
519 letter grade during the 2014-2015 school year.

520 (b)1. A school or approved provider under s. 1002.45 which
521 ~~that~~ receives the same or a lower school grade or school
522 improvement rating for the 2014-2015 school year compared to the

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523 2013-2014 school year is not subject to sanctions or penalties
524 that would otherwise occur as a result of the 2014-2015 school
525 grade or rating. A charter school system or a school district
526 designated as high performing may not lose the designation based
527 on the 2014-2015 school grades of any of the schools within the
528 charter school system or school district, as applicable.

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

532 (c) Until such time as an independent verification of the
533 psychometric validity of the statewide, standardized assessments
534 first implemented in 2014-2015 is provided, for purposes of
535 ~~determining~~ grade 3 English Language Arts student performance
536 ~~retention pursuant to s. 1008.25(5) and high school graduation~~
537 requirements pursuant to s. 1003.4282, student performance on
538 the 2014-2015 statewide, standardized assessments shall be
539 linked to 2013-2014 student performance expectations. Students
540 who score in the bottom quintile on the 2014-2015 grade 3
541 English Language Arts assessment shall be identified as at-risk
542 students. School districts must notify parents of such students,
543 provide evidence as outlined in s. 1008.25(6) (b), and provide
544 the appropriate intervention and support services for student
545 success in fourth grade.

546

547 This subsection is repealed July 1, 2017.

548 Section 7. Paragraph (b) of subsection (12) of section
549 1011.62, Florida Statutes, is amended to read:

550 1011.62 Funds for operation of schools.—If the annual
551 allocation from the Florida Education Finance Program to each

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552 district for operation of schools is not determined in the
553 annual appropriations act or the substantive bill implementing
554 the annual appropriations act, it shall be determined as
555 follows:

556 (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

557 (b) Each district school board shall adopt a district
558 digital classrooms plan that meets the unique needs of students,
559 schools, and personnel and submit the plan for approval to the
560 Department of Education. In addition, each district school board
561 must, at a minimum, seek input from the district's
562 instructional, curriculum, and information technology staff to
563 develop the district digital classrooms plan. The district's
564 plan must be within the general parameters established in the
565 Florida digital classrooms plan pursuant to s. 1001.20. In
566 addition, if the district participates in federal technology
567 initiatives and grant programs, the district digital classrooms
568 plan must include a plan for meeting requirements of such
569 initiatives and grant programs. Funds allocated under this
570 subsection must be used to support implementation of district
571 digital classrooms plans. By October 1, 2014, and by March 1 of
572 each year thereafter, on a date determined by the department,
573 each district school board shall submit to the department, in a
574 format prescribed by the department, a digital classrooms plan.
575 At a minimum, such plan must include, and be annually updated to
576 reflect, the following:

577 1. Measurable student performance outcomes. Outcomes
578 related to student performance, including outcomes for students
579 with disabilities, must be tied to the efforts and strategies to
580 improve outcomes related to student performance by integrating

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581 technology in classroom teaching and learning. Results of the
582 outcomes shall be reported at least annually for the current
583 school year and subsequent 3 years and be accompanied by an
584 independent evaluation and validation of the reported results.

585 2. Digital learning and technology infrastructure purchases
586 and operational activities. Such purchases and activities must
587 be tied to the measurable outcomes under subparagraph 1.,
588 including, but not limited to, connectivity, broadband access,
589 wireless capacity, Internet speed, and data security, all of
590 which must meet or exceed minimum requirements and protocols
591 established by the department. For each year that the district
592 uses funds for infrastructure, a third-party, independent
593 evaluation of the district's technology inventory and
594 infrastructure needs must accompany the district's plan.

595 3. Professional development purchases and operational
596 activities. Such purchases and activities must be tied to the
597 measurable outcomes under subparagraph 1., including, but not
598 limited to, using technology in the classroom and improving
599 digital literacy and competency.

600 4. Digital tool purchases and operational activities. Such
601 purchases and activities must be tied to the measurable outcomes
602 under subparagraph 1., including, but not limited to,
603 competency-based credentials that measure and demonstrate
604 digital competency and certifications; third-party assessments
605 that demonstrate acquired knowledge and use of digital
606 applications; and devices that meet or exceed minimum
607 requirements and protocols established by the department.

608 5. Online assessment-related purchases and operational
609 activities. Such purchases and activities must be tied to the

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610 measurable outcomes under subparagraph 1., including, but not
611 limited to, expanding the capacity to administer assessments and
612 compatibility with minimum assessment protocols and requirements
613 established by the department. If the administration of online
614 assessments after January 1, 2015, does not comply with the
615 minimum assessment protocols and requirements established by the
616 department, the department shall contract with an independent,
617 auditing entity that has expertise in the area of the
618 noncompliance to evaluate the extent of the noncompliance and
619 provide recommendations to remediate the noncompliance in future
620 administrations of online assessments.

621 Section 8. Paragraphs (b) and (c) of subsection (1),
622 paragraphs (a), (b), and (c) of subsection (3), and subsections
623 (6), (7), (8), and (10) of section 1012.34, Florida Statutes,
624 are amended to read:

625 1012.34 Personnel evaluation procedures and criteria.—

626 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

627 (b) The department must approve each school district's
628 instructional personnel and school administrator evaluation
629 systems. The department shall monitor each district's
630 implementation of its instructional personnel and school
631 administrator evaluation systems for compliance with the
632 requirements of this section ~~and s. 1012.3401.~~

633 (c) Annually, by December 1, the Commissioner of Education
634 shall report to the Governor, the President of the Senate, and
635 the Speaker of the House of Representatives the approval and
636 implementation status of each school district's instructional
637 personnel and school administrator evaluation systems. The
638 report shall include:

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639 1. Performance evaluation results for the prior school year
640 for instructional personnel and school administrators using the
641 four levels of performance specified in paragraph (2)(e). The
642 performance evaluation results for instructional personnel shall
643 be disaggregated by classroom teachers, as defined in s.
644 1012.01(2)(a), excluding substitute teachers, and all other
645 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

646 2. An analysis that compares performance evaluation results
647 calculated by each school district to indicators of performance
648 calculated by the department using the standards for performance
649 levels adopted by the state board under subsection (8).

650 ~~3. The commissioner shall include in the report~~ Each
651 district's performance-level standards established under
652 subsection (7).~~, a comparative analysis of the district's~~
653 ~~student academic performance results and evaluation results,~~

654 4. Data reported under s. 1012.341, and the status of any
655 evaluation system revisions requested by a school district
656 pursuant to subsection (6).

657 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
658 personnel and school administrator performance evaluations must
659 be based upon the performance of students assigned to their
660 classrooms or schools, as provided in this section. Pursuant to
661 this section, a school district's performance evaluation is not
662 limited to basing unsatisfactory performance of instructional
663 personnel and school administrators solely upon student
664 performance, but may include other criteria approved to evaluate
665 instructional personnel and school administrators' performance,
666 or any combination of student performance and other approved
667 criteria. Evaluation procedures and criteria must comply with,

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668 but are not limited to, the following:

669 (a) A performance evaluation must be conducted for each
670 employee at least once a year, except that a classroom teacher,
671 as defined in s. 1012.01(2)(a), excluding substitute teachers,
672 who is newly hired by the district school board must be observed
673 and evaluated at least twice in the first year of teaching in
674 the school district. The performance evaluation must be based
675 upon sound educational principles and contemporary research in
676 effective educational practices. The evaluation criteria must
677 include:

678 1. Performance of students.—At least 33 ~~50~~ percent of a
679 performance evaluation must be based upon data and indicators of
680 student performance in accordance with subsection (7) ~~learning~~
681 ~~growth assessed annually by statewide assessments or, for~~
682 ~~subjects and grade levels not measured by statewide assessments,~~
683 ~~by school district assessments as provided in s. 1008.22(6).~~
684 ~~Each school district must use the formula adopted pursuant to~~
685 ~~paragraph (7)(a) for measuring student learning growth in all~~
686 ~~courses associated with statewide assessments and must select an~~
687 ~~equally appropriate formula for measuring student learning~~
688 ~~growth for all other grades and subjects, except as otherwise~~
689 ~~provided in subsection (7).~~

690 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~
691 ~~excluding substitute teachers, the student learning growth~~ This
692 portion of the evaluation must include growth or achievement
693 data of the teacher's students or, for a school administrator,
694 the students attending the school ~~for students assigned to the~~
695 ~~teacher~~ over the course of at least 3 years. If less than 3
696 years of data are available, the years for which data are

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697 available must be used. The proportion of growth or achievement
698 data may be determined by instructional assignment ~~and the~~
699 ~~percentage of the evaluation based upon student learning growth~~
700 ~~may be reduced to not less than 40 percent.~~

701 ~~b. For instructional personnel who are not classroom~~
702 ~~teachers, the student learning growth portion of the evaluation~~
703 ~~must include growth data on statewide assessments for students~~
704 ~~assigned to the instructional personnel over the course of at~~
705 ~~least 3 years, or may include a combination of student learning~~
706 ~~growth data and other measurable student outcomes that are~~
707 ~~specific to the assigned position, provided that the student~~
708 ~~learning growth data accounts for not less than 30 percent of~~
709 ~~the evaluation. If less than 3 years of student growth data are~~
710 ~~available, the years for which data are available must be used~~
711 ~~and the percentage of the evaluation based upon student learning~~
712 ~~growth may be reduced to not less than 20 percent.~~

713 ~~e. For school administrators, the student learning growth~~
714 ~~portion of the evaluation must include growth data for students~~
715 ~~assigned to the school over the course of at least 3 years. If~~
716 ~~less than 3 years of data are available, the years for which~~
717 ~~data are available must be used and the percentage of the~~
718 ~~evaluation based upon student learning growth may be reduced to~~
719 ~~not less than 40 percent.~~

720 2. Instructional practice.—For instructional personnel, at
721 least 33 percent of the performance evaluation must be based
722 upon instructional practice. Evaluation criteria used when
723 annually observing classroom teachers, as defined in s.
724 1012.01(2)(a), excluding substitute teachers, must include
725 indicators based upon each of the Florida Educator Accomplished

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726 Practices adopted by the State Board of Education. Observations
727 must be used by administrative personnel to evaluate the
728 performance of classroom teachers. For instructional personnel
729 who are not classroom teachers, evaluation criteria must be
730 based upon indicators of the Florida Educator Accomplished
731 Practices and may include specific job expectations related to
732 student support.

733 3. Instructional leadership.—For school administrators, at
734 least 30 percent of the performance evaluation must be based on
735 instructional leadership. Evaluation criteria for instructional
736 leadership must include indicators based upon each of the
737 leadership standards adopted by the State Board of Education
738 under s. 1012.986, including performance measures related to the
739 effectiveness of classroom teachers in the school, the
740 administrator's appropriate use of evaluation criteria and
741 procedures, recruitment and retention of effective and highly
742 effective classroom teachers, improvement in the percentage of
743 instructional personnel evaluated at the highly effective or
744 effective level, and other leadership practices that result in
745 student learning growth. The system may include a means to give
746 parents and instructional personnel an opportunity to provide
747 input into the administrator's performance evaluation.

748 4. Other indicators of performance ~~Professional and job~~
749 ~~responsibilities.~~—For instructional personnel and school
750 administrators, no more than 33 percent of a performance
751 evaluation may include, but not be limited to, other
752 professional and job responsibilities ~~must be included~~ as
753 recommended ~~adopted~~ by the State Board of Education or
754 identified by the district school board and, for instructional

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755 personnel, peer reviews, objectively reliable survey information
756 from students and parents based on teaching practices that are
757 consistently associated with higher student achievement, and
758 other valid and reliable measures of instructional practice. ~~The~~
759 ~~district school board may identify additional professional and~~
760 ~~job responsibilities.~~

761 (b) All personnel must be fully informed of the criteria,
762 data sources, methodologies and procedures associated with the
763 evaluation process before the evaluation takes place.

764 (c) The individual responsible for supervising the employee
765 must evaluate the employee's performance. The evaluation system
766 may provide for the evaluator to consider input from other
767 personnel trained under subsection (2) ~~paragraph (2)(f)~~. The
768 evaluator must submit a written report of the evaluation to the
769 district school superintendent for the purpose of reviewing the
770 employee's contract. The evaluator must submit the written
771 report to the employee no later than 10 days after the
772 evaluation takes place. The evaluator must discuss the written
773 evaluation report with the employee. The employee shall have the
774 right to initiate a written response to the evaluation, and the
775 response shall become a permanent attachment to his or her
776 personnel file.

777 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
778 EVALUATION SYSTEMS.—The district school board shall establish a
779 procedure for annually reviewing instructional personnel and
780 school administrator evaluation systems to determine compliance
781 with this section ~~and s. 1012.3401~~. All substantial revisions to
782 an approved system must be reviewed and approved by the district
783 school board before being used to evaluate instructional

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784 personnel or school administrators. Upon request by a school
785 district, the department shall provide assistance in developing,
786 improving, or reviewing an evaluation system.

787 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

788 (a) The Commissioner of Education shall approve a formula
789 to measure individual student learning growth on the statewide,
790 standardized assessments in English Language Arts and
791 mathematics administered under s. 1008.22. The formula must take
792 into consideration each student's prior academic performance.
793 The formula must not set different expectations for student
794 learning growth based upon a student's gender, race, ethnicity,
795 or socioeconomic status. In the development of the formula, the
796 commissioner shall consider other factors such as a student's
797 attendance record, disability status, or status as an English
798 language learner. The commissioner may ~~shall~~ select additional
799 formulas to measure student performance as appropriate for the
800 remainder of the statewide, standardized assessments included
801 under s. 1008.22 and continue to select formulas as new
802 assessments are implemented in the state system. After the
803 commissioner approves the formula to measure individual student
804 learning growth, the State Board of Education shall adopt these
805 formulas in rule.

806 (b) For courses associated with the statewide, standardized
807 assessments under s. 1008.22, each school district shall measure
808 student learning growth using the formulas approved by the
809 commissioner under paragraph (a) and the standards for
810 performance levels adopted by the state board under subsection
811 (8) for courses associated with the statewide, standardized
812 assessments administered under s. 1008.22 no later than the

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813 school year immediately following the year the formula is
814 approved by the commissioner.

815 (c) For grades and subjects not assessed by statewide,
816 standardized assessments, but otherwise locally assessed
817 pursuant to s. 1008.22 (6) (c) as required under s. 1008.22 (6),
818 each school district shall measure student performance of
819 students using a methodology determined by the district.
820 However, a school district may not administer an additional,
821 final cumulative local assessment for a course measured under a
822 statewide, standardized end-of-course assessment. As provided in
823 state board rule, course content is set forth in the state
824 standards required under s. 1003.41 and in the course
825 description for the course as provided in the course code
826 directory.

827 (d) School districts shall, for all educator performance
828 evaluations and related student performance results:

829 1. Determine the data sources, methodologies and
830 proportions of student performance data used in each educator's
831 evaluation based on the educator's school, classroom, or other
832 instructional assignments; except that each school district must
833 include data and student learning growth using the formulas
834 approved by the commissioner pursuant to paragraph (a) and the
835 standards for performance levels adopted by the state board
836 pursuant to subsection (8).

837 2. Provide that, for instructional personnel or school
838 administrator to be eligible for salary adjustment under the
839 performance salary schedule pursuant to s. 1012.22(1)(c)5.c.,
840 the student performance component of the educator's performance
841 evaluation be based on a statewide, standardized assessment

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842 pursuant to s. 1008.22; a district-approved assessment; or a
843 combination of both, as applicable to the educator's
844 assignments.

845 3. Adopt, report, and provide to the public the district's
846 administration schedules for statewide assessments and local
847 assessments in compliance with timelines and requirements
848 established in s. 1008.22.

849 4. Provide parents and teachers with student performance
850 results on district-required assessments and the statewide,
851 standardized assessments within the timeframe requirements
852 established in s. 1008.22. ~~The department shall provide models~~
853 ~~for measuring performance of students which school districts may~~
854 ~~adopt.~~

855 ~~(c) For a course that is not measured by a statewide,~~
856 ~~standardized assessment, a school district may request, through~~
857 ~~the evaluation system approval process, to use a student's~~
858 ~~achievement level rather than student learning growth if~~
859 ~~achievement is demonstrated to be a more appropriate measure of~~
860 ~~classroom teacher performance. A school district may also~~
861 ~~request to use a combination of student learning growth and~~
862 ~~achievement, if appropriate.~~

863 ~~(d) For a course that is not measured by a statewide,~~
864 ~~standardized assessment, a school district may request, through~~
865 ~~the evaluation system approval process, that the performance~~
866 ~~evaluation for the classroom teacher assigned to that course~~
867 ~~include the learning growth of his or her students on one or~~
868 ~~more statewide, standardized assessments. The request must~~
869 ~~clearly explain the rationale supporting the request.~~

870 ~~(e) For purposes of this section and only for the 2014-2015~~

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871 ~~school year, a school district may use measurable learning~~
872 ~~targets on local assessments administered under s. 1008.22(6) to~~
873 ~~evaluate the performance of students portion of a classroom~~
874 ~~teacher's evaluation for courses that are not assessed by~~
875 ~~statewide, standardized assessments. Learning targets must be~~
876 ~~approved by the school principal. A district school~~
877 ~~superintendent may assign to instructional personnel in an~~
878 ~~instructional team the student learning growth of the~~
879 ~~instructional team's students on statewide assessments. This~~
880 ~~paragraph expires July 1, 2015.~~

881 (8) RULEMAKING.—No later than August 1, 2015, the State
882 Board of Education shall adopt rules pursuant to ss. 120.536(1)
883 and 120.54 which establish uniform procedures and the format for
884 the submission, review, and approval of district evaluation
885 systems and reporting requirements for the annual evaluation of
886 instructional personnel and school administrators; specific,
887 discrete standards for each performance level required under
888 subsection (2), based on student learning growth models approved
889 by the commissioner, to ensure clear and sufficient
890 differentiation in the performance levels and to provide
891 consistency in meaning across school districts; the measurement
892 of student learning growth and associated implementation
893 procedures required under subsection (7); and a process for
894 monitoring school district implementation of evaluation systems
895 in accordance with this section. ~~Specifically, the rules shall~~
896 ~~establish student performance levels that if not met will result~~
897 ~~in the employee receiving an unsatisfactory performance~~
898 ~~evaluation rating. In like manner, the rules shall establish a~~
899 ~~student performance level that must be met in order for an~~

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900 ~~employee to receive a highly effective rating and a student~~
901 ~~learning growth standard that must be met in order for an~~
902 ~~employee to receive an effective rating.~~

903 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
904 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
905 ~~rewards as provided for in the 2014 General Appropriations Act~~
906 ~~for making outstanding progress toward educator effectiveness,~~
907 ~~including implementation of instructional personnel salaries~~
908 ~~based on performance results under s. 1012.34 and the use of~~
909 ~~local assessment results in personnel evaluations when~~
910 ~~statewide, standardized assessments are not administered.~~

911 Section 9. Section 1012.3401, Florida Statutes, is
912 repealed.

913 Section 10. School district contingency plan.-
914 Notwithstanding s. 1008.34(7), Florida Statutes, a school
915 district may, by majority vote of the district school board,
916 request approval from the State Board of Education to waive all
917 requirements and benefits specified in ss. 1008.34(7), 1008.36,
918 and 1003.621, Florida Statutes, and instead use results from
919 student performance on the new statewide, standardized
920 assessments administered in the 2014-2015 school year pursuant
921 to s. 1008.22, Florida Statutes, for diagnostic and baseline
922 purposes only.

923 (1) A school district's request must be submitted to the
924 Commissioner of Education by the school district superintendent
925 during the period from the last day of administration of
926 statewide, standardized assessments through June 5, 2015, in
927 accordance with the guidelines established by the commissioner.
928 At a minimum, the request, must include identification of:

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929 (a) The scope of the request, to apply either to the school
930 district or to a school or certain schools within the school
931 district. The request must be made at a district or school
932 level. The request may not be made at a grade level, a subject-
933 area level, or another level.

934 (b) The reason for the request, including a description of
935 the systemic or unique technical implementation failure.
936 Quantifiable data substantiating the reason for such failure
937 must accompany the request. A school district's inability to
938 assess the minimum percentage of students pursuant to ss.
939 1008.34 and 1008.341, Florida Statutes, does not constitute a
940 reasonable justification for requesting the waiver under this
941 section.

942 (c) The school district's corrective action plan, which has
943 been adopted by the district school board, and certification
944 that the identified technical implementation failure must be
945 resolved in time for successful administration of the statewide,
946 standardized assessments during the 2015-2016 school year and
947 each school year thereafter. The district must identify how the
948 district plans to allocate resources and technical assistance
949 that the district needs from the Department of Education to
950 facilitate the district's successful resolution of technical
951 deficiencies.

952 (d) The school district's plan for using the diagnostic
953 data to facilitate continuous improvement in student performance
954 and the effectiveness of schools, instructional personnel, and
955 school administrators; public reporting on the performance of
956 students, schools, and the district; and informing parents about
957 instruction associated with remediation and retention and

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958 options available to students including acceleration,
959 graduation, and school choice. The district must also describe
960 its plans for implementing student progression plans,
961 performance evaluations of instructional personnel and school
962 administrators, performance salary schedule requirements, and
963 other uses as identified by the commissioner.

964 (2) The commissioner shall review each request for a waiver
965 and consult with the applicable school district superintendent.
966 The commissioner shall make, and provide reasons for,
967 recommendations to the State Board of Education regarding
968 granting or denying a request for waiver. The state board may
969 consider recommendations made by the commissioner to approve or
970 deny school district requests. Notwithstanding any other
971 provision of law, the commissioner's recommendation to approve a
972 request may, after consultation with the school district
973 superintendent, include conditional requirements that must apply
974 if approved by the state board. The decision of the state board,
975 including any modifications adopted by the state board, is
976 final.

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

979 (a) A school or a school district may not receive a school
980 grade, school improvement rating, or school district grade, as
981 applicable.

982 (b) A school may, at the school district's discretion,
983 choose to use new statewide, standardized assessment results in
984 performance evaluations of instructional personnel and school
985 administrators.

986 (c) A school district shall continue to have its student

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987 performance results included in the statewide, standardized
988 assessment results published by the department pursuant to s.
989 1008.22, Florida Statutes.

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

993 (e) A school district shall forfeit the district's
994 eligibility to earn the designation and benefits associated with
995 high performing school districts pursuant to s. 1003.621,
996 Florida Statutes.

997

998 This section expires July 1, 2016.

999 Section 11. The Office of Program Policy Analysis and
1000 Government Accountability (OPPAGA) shall conduct a year-long
1001 study, beginning no later than August 1, 2015, to assess the
1002 cost-effectiveness of the leasing of examination questions by
1003 the Department of Education from the American Institute for
1004 Research as compared with using questions from an existing
1005 examination. No later than December 1, 2016, OPPAGA shall
1006 provide a report summarizing the findings of the study to the
1007 President of the Senate and the Speaker of the House of
1008 Representatives.

1009 Section 12. Paragraph (a) of subsection (5) of section
1010 1003.4282, Florida Statutes, is amended to read:

1011 1003.4282 Requirements for a standard high school diploma.—

1012 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

1013 (a) Each year a student scores Level 1 or Level 2 on the
1014 statewide, standardized grade 9 or grade 10 Reading assessment
1015 or, when implemented, the grade 9 ~~or~~ grade 10, ~~or grade 11~~ ELA

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1016 assessment, the student may, as an option to the student, enroll
1017 ~~must be enrolled in and complete~~ an intensive remedial course
1018 the following year or be placed in a content area course that
1019 includes remediation of skills not acquired by the student.

1020 Section 13. Paragraph (a) of subsection (1) of section
1021 1003.4285, Florida Statutes, is amended to read:

1022 1003.4285 Standard high school diploma designations.—

1023 (1) Each standard high school diploma shall include, as
1024 applicable, the following designations if the student meets the
1025 criteria set forth for the designation:

1026 (a) *Scholar designation.*—In addition to the requirements of
1027 s. 1003.4282, in order to earn the Scholar designation, a
1028 student must satisfy the following requirements:

1029 1. ~~English Language Arts (ELA). Beginning with students~~
1030 ~~entering grade 9 in the 2014-2015 school year, pass the~~
1031 ~~statewide, standardized grade 11 ELA assessment.~~

1032 2. ~~Mathematics.~~—Earn one credit in Algebra II and one
1033 credit in statistics or an equally rigorous course. Beginning
1034 with students entering grade 9 in the 2014-2015 school year,
1035 pass the Algebra II and Geometry statewide, standardized
1036 assessments.

1037 ~~2.3.~~ Science.—Pass the statewide, standardized Biology I
1038 EOC assessment and earn one credit in chemistry or physics and
1039 one credit in a course equally rigorous to chemistry or physics.
1040 However, a student enrolled in an Advanced Placement (AP),
1041 International Baccalaureate (IB), or Advanced International
1042 Certificate of Education (AICE) Biology course who takes the
1043 respective AP, IB, or AICE Biology assessment and earns the
1044 minimum score necessary to earn college credit as identified

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1045 pursuant to s. 1007.27(2) meets the requirement of this
1046 subparagraph without having to take the statewide, standardized
1047 Biology I EOC assessment.

1048 ~~3.4.~~ Social studies.—Pass the statewide, standardized
1049 United States History EOC assessment. However, a student
1050 enrolled in an AP, IB, or AICE course that includes United
1051 States History topics who takes the respective AP, IB, or AICE
1052 assessment and earns the minimum score necessary to earn college
1053 credit as identified pursuant to s. 1007.27(2) meets the
1054 requirement of this subparagraph without having to take the
1055 statewide, standardized United States History EOC assessment.

1056 ~~4.5.~~ Foreign language.—Earn two credits in the same foreign
1057 language.

1058 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
1059 Placement, an International Baccalaureate, an Advanced
1060 International Certificate of Education, or a dual enrollment
1061 course.

1062 Section 14. Paragraph (c) of subsection (1) of section
1063 1012.22, Florida Statutes, is amended to read:

1064 1012.22 Public school personnel; powers and duties of the
1065 district school board.—The district school board shall:

1066 (1) Designate positions to be filled, prescribe
1067 qualifications for those positions, and provide for the
1068 appointment, compensation, promotion, suspension, and dismissal
1069 of employees as follows, subject to the requirements of this
1070 chapter:

1071 (c) *Compensation and salary schedules.*—

1072 1. Definitions.—As used in this paragraph, the term:

1073 a. "Adjustment" means an addition to the base salary

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1074 schedule that is not a bonus and becomes part of the employee's
1075 permanent base salary and shall be considered compensation under
1076 s. 121.021(22).

1077 b. "Grandfathered salary schedule" means the salary
1078 schedule or schedules adopted by a district school board before
1079 July 1, 2014, pursuant to subparagraph 4.

1080 c. "Instructional personnel" means instructional personnel
1081 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1082 teachers.

1083 d. "Performance salary schedule" means the salary schedule
1084 or schedules adopted by a district school board pursuant to
1085 subparagraph 5.

1086 e. "Salary schedule" means the schedule or schedules used
1087 to provide the base salary for district school board personnel.

1088 f. "School administrator" means a school administrator as
1089 defined in s. 1012.01(3)(c).

1090 g. "Supplement" means an annual addition to the base salary
1091 for the term of the negotiated supplement as long as the
1092 employee continues his or her employment for the purpose of the
1093 supplement. A supplement does not become part of the employee's
1094 continuing base salary but shall be considered compensation
1095 under s. 121.021(22).

1096 2. Cost-of-living adjustment.—A district school board may
1097 provide a cost-of-living salary adjustment if the adjustment:

1098 a. Does not discriminate among comparable classes of
1099 employees based upon the salary schedule under which they are
1100 compensated.

1101 b. Does not exceed 50 percent of the annual adjustment
1102 provided to instructional personnel rated as effective.

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1103 3. Advanced degrees.—A district school board may not use
1104 advanced degrees in setting a salary schedule for instructional
1105 personnel or school administrators hired on or after July 1,
1106 2011, unless the advanced degree is held in the individual's
1107 area of certification and is only a salary supplement.

1108 4. Grandfathered salary schedule.—

1109 a. The district school board shall adopt a salary schedule
1110 or salary schedules to be used as the basis for paying all
1111 school employees hired before July 1, 2014. Instructional
1112 personnel on annual contract as of July 1, 2014, shall be placed
1113 on the performance salary schedule adopted under subparagraph 5.
1114 Instructional personnel on continuing contract or professional
1115 service contract may opt into the performance salary schedule if
1116 the employee relinquishes such contract and agrees to be
1117 employed on an annual contract under s. 1012.335. Such an
1118 employee shall be placed on the performance salary schedule and
1119 may not return to continuing contract or professional service
1120 contract status. Any employee who opts into the performance
1121 salary schedule may not return to the grandfathered salary
1122 schedule.

1123 b. In determining the grandfathered salary schedule for
1124 instructional personnel, a district school board must base a
1125 portion of each employee's compensation upon performance
1126 demonstrated under s. 1012.34 and shall provide differentiated
1127 pay for both instructional personnel and school administrators
1128 based upon district-determined factors, including, but not
1129 limited to, additional responsibilities, school demographics,
1130 critical shortage areas, and level of job performance
1131 difficulties.

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1132 5. Performance salary schedule.—By July 1, 2014, the
1133 district school board shall adopt a performance salary schedule
1134 that provides annual salary adjustments for instructional
1135 personnel and school administrators based upon performance
1136 determined under s. 1012.34. Employees hired on or after July 1,
1137 2014, or employees who choose to move from the grandfathered
1138 salary schedule to the performance salary schedule shall be
1139 compensated pursuant to the performance salary schedule once
1140 they have received the appropriate performance evaluation for
1141 this purpose. However, a classroom teacher whose performance
1142 evaluation uses ~~utilizes~~ student learning growth measures
1143 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall
1144 remain under the grandfathered salary schedule until his or her
1145 teaching assignment changes to a subject for which there is a
1146 statewide, standardized assessment or district-required local ~~an~~
1147 assessment or the school district establishes equally
1148 appropriate measures of student learning growth as defined under
1149 s. 1012.34 and rules of the State Board of Education.

1150 a. Base salary.—The base salary shall be established as
1151 follows:

1152 (I) The base salary for instructional personnel or school
1153 administrators who opt into the performance salary schedule
1154 shall be the salary paid in the prior year, including
1155 adjustments only.

1156 (II) Beginning July 1, 2014, instructional personnel or
1157 school administrators new to the district, returning to the
1158 district after a break in service without an authorized leave of
1159 absence, or appointed for the first time to a position in the
1160 district in the capacity of instructional personnel or school

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1161 administrator shall be placed on the performance salary
1162 schedule.

1163 b. Salary adjustments.—Salary adjustments for highly
1164 effective or effective performance shall be established as
1165 follows:

1166 (I) The annual salary adjustment under the performance
1167 salary schedule for an employee rated as highly effective must
1168 be greater than the highest annual salary adjustment available
1169 to an employee of the same classification through any other
1170 salary schedule adopted by the district.

1171 (II) The annual salary adjustment under the performance
1172 salary schedule for an employee rated as effective must be equal
1173 to at least 50 percent and no more than 75 percent of the annual
1174 adjustment provided for a highly effective employee of the same
1175 classification.

1176 (III) The performance salary schedule shall not provide an
1177 annual salary adjustment for an employee who receives a rating
1178 other than highly effective or effective for the year.

1179 c. Salary supplements.—In addition to the salary
1180 adjustments, each district school board shall provide for salary
1181 supplements for activities that must include, but are not
1182 limited to:

1183 (I) Assignment to a Title I eligible school.

1184 (II) Assignment to a school that earned a grade of "F" or
1185 three consecutive grades of "D" pursuant to s. 1008.34 such that
1186 the supplement remains in force for at least 1 year following
1187 improved performance in that school.

1188 (III) Certification and teaching in critical teacher
1189 shortage areas. Statewide critical teacher shortage areas shall

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1190 be identified by the State Board of Education under s. 1012.07.
1191 However, the district school board may identify other areas of
1192 critical shortage within the school district for purposes of
1193 this sub-sub-subparagraph and may remove areas identified by the
1194 state board which do not apply within the school district.

1195 (IV) Assignment of additional academic responsibilities.
1196

1197 If budget constraints in any given year limit a district school
1198 board's ability to fully fund all adopted salary schedules, the
1199 performance salary schedule may ~~shall~~ not be reduced on the
1200 basis of total cost or the value of individual awards in a
1201 manner that is proportionally greater than reductions to any
1202 other salary schedules adopted by the district.

1203 Section 15. This act shall take effect upon becoming a law.