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LEGISLATIVE ACTION

Senate

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House

Senator Legg moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) of section 1002.20, Florida
Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory



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12 rights including, but not limited to, the following:

13 (11) STUDENTS WITH READING DEFICIENCIES. ~~Each elementary~~
14 ~~school shall regularly assess the reading ability of each K-3~~
15 ~~student.~~ The parent of any K-3 student who exhibits a reading
16 deficiency shall be immediately notified of the student's
17 deficiency with a description and explanation, in terms
18 understandable to the parent, of the exact nature of the
19 student's difficulty in learning and lack of achievement in
20 reading; shall be consulted in the development of a ~~progress~~
21 ~~monitoring~~ plan, as described in s. 1008.25(4)(b); and shall be
22 informed that the student will be given intensive reading
23 instruction until the deficiency is corrected. This subsection
24 operates in addition to the remediation and notification
25 provisions contained in s. 1008.25 and in no way reduces the
26 rights of a parent or the responsibilities of a school district
27 under that section.

28 Section 2. Subsections (2) and (3) of section 1003.4156,
29 Florida Statutes, are amended to read:

30 1003.4156 General requirements for middle grades
31 promotion.—

32 ~~(2) If a middle grades student scores Level 1 or Level 2 on~~
33 ~~the statewide, standardized Reading assessment or, when~~
34 ~~implemented, the English Language Arts (ELA) assessment, the~~
35 ~~following year the student must enroll in and complete a~~
36 ~~remedial course or a content area course in which remediation~~
37 ~~strategies are incorporated into course content delivery. The~~
38 ~~department shall provide guidance on appropriate strategies for~~
39 ~~diagnosing and meeting the varying instructional needs of~~
40 ~~students performing below grade level.~~



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41 ~~(3) If a middle grades student scores Level 1 or Level 2 on~~
42 ~~the statewide, standardized Mathematics assessment, the~~
43 ~~following year the student must receive remediation, which may~~
44 ~~be integrated into the student's required mathematics courses.~~

45 Section 3. Subsection (5) of section 1003.4282, Florida
46 Statutes, is amended to read:

47 1003.4282 Requirements for a standard high school diploma.-

48 ~~(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-~~

49 ~~(a) Each year a student scores Level 1 or Level 2 on the~~
50 ~~statewide, standardized grade 9 or grade 10 Reading assessment~~
51 ~~or, when implemented, the grade 9, grade 10, or grade 11 ELA~~
52 ~~assessment, the student must be enrolled in and complete an~~
53 ~~intensive remedial course the following year or be placed in a~~
54 ~~content area course that includes remediation of skills not~~
55 ~~acquired by the student.~~

56 ~~(b) Each year a student scores Level 1 or Level 2 on the~~
57 ~~statewide, standardized Algebra I EOC assessment, the student~~
58 ~~must be enrolled in and complete an intensive remedial course~~
59 ~~the following year or be placed in a content area course that~~
60 ~~includes remediation of skills not acquired by the student.~~

61 Section 4. Paragraph (a) of subsection (1) of section
62 1003.4285, Florida Statutes, is amended to read:

63 1003.4285 Standard high school diploma designations.-

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

67 (a) *Scholar designation.*-In addition to the requirements of
68 s. 1003.4282, in order to earn the Scholar designation, a
69 student must satisfy the following requirements:



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

73 ~~1.2. Mathematics.—Earn one credit in Algebra II and one~~
74 ~~credit in statistics or an equally rigorous course. Beginning~~
75 ~~with students entering grade 9 in the 2014-2015 school year,~~
76 ~~pass the Algebra II and Geometry statewide, standardized~~
77 ~~assessments.~~

78 ~~2.3. Science.—Pass the statewide, standardized Biology I~~
79 ~~EOC assessment and earn one credit in chemistry or physics and~~
80 ~~one credit in a course equally rigorous to chemistry or physics.~~
81 ~~However, a student enrolled in an Advanced Placement (AP),~~
82 ~~International Baccalaureate (IB), or Advanced International~~
83 ~~Certificate of Education (AICE) Biology course who takes the~~
84 ~~respective AP, IB, or AICE Biology assessment and earns the~~
85 ~~minimum score necessary to earn college credit as identified~~
86 ~~pursuant to s. 1007.27(2) meets the requirement of this~~
87 ~~subparagraph without having to take the statewide, standardized~~
88 ~~Biology I EOC assessment.~~

89 ~~3.4. Social studies.—Pass the statewide, standardized~~
90 ~~United States History EOC assessment. However, a student~~
91 ~~enrolled in an AP, IB, or AICE course that includes United~~
92 ~~States History topics who takes the respective AP, IB, or AICE~~
93 ~~assessment and earns the minimum score necessary to earn college~~
94 ~~credit as identified pursuant to s. 1007.27(2) meets the~~
95 ~~requirement of this subparagraph without having to take the~~
96 ~~statewide, standardized United States History EOC assessment.~~

97 ~~4.5. Foreign language.—Earn two credits in the same foreign~~
98 ~~language.~~



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99 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
100 Placement, an International Baccalaureate, an Advanced
101 International Certificate of Education, or a dual enrollment
102 course.

103 Section 5. Subsections (1), (3), (4), and (6) of section
104 1008.22, Florida Statutes, are amended, subsections (7) through
105 (11) are redesignated as subsections (8) through (12),
106 respectively, and a new subsection (7) is added to that section,
107 to read:

108 1008.22 Student assessment program for public schools.—

109 (1) PURPOSE.—The primary purpose of the student assessment
110 program is to provide student academic achievement and learning
111 gains data to students, parents, teachers, school
112 administrators, and school district staff. This data is to be
113 used by districts to improve instruction; by students, parents,
114 and teachers to guide learning objectives; by education
115 researchers to assess national and international education
116 comparison data; and by the public to assess the cost benefit of
117 the expenditure of taxpayer dollars. The program must be
118 designed to:

119 (f) When available, provide instructional personnel with
120 information on student achievement of standards and benchmarks
121 in order to improve instruction.

122 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
123 Commissioner of Education shall design and implement a
124 statewide, standardized assessment program aligned to the core
125 curricular content established in the Next Generation Sunshine
126 State Standards. The commissioner also must develop or select
127 and implement a common battery of assessment tools that will be



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128 used in all juvenile justice education programs in the state.
129 These tools must accurately measure the core curricular content
130 established in the Next Generation Sunshine State Standards.
131 Participation in the assessment program is mandatory for all
132 school districts and all students attending public schools,
133 including adult students seeking a standard high school diploma
134 under s. 1003.4282 and students in Department of Juvenile
135 Justice education programs, except as otherwise provided by law.
136 If a student does not participate in the assessment program, the
137 school district must notify the student's parent and provide the
138 parent with information regarding the implications of such
139 nonparticipation. The statewide, standardized assessment program
140 shall be designed and implemented as follows:

141 (a) *Statewide, standardized comprehensive assessments.*—The
142 statewide, standardized Reading assessment shall be administered
143 annually in grades 3 through 10. The statewide, standardized
144 Writing assessment shall be administered annually at least once
145 at the elementary, middle, and high school levels. When the
146 Reading and Writing assessments are replaced by English Language
147 Arts (ELA) assessments, ELA assessments shall be administered to
148 students in grades 3 through 10 ~~11~~. Retake opportunities for the
149 grade 10 Reading assessment or, upon implementation, the grade
150 10 ELA assessment must be provided. Students taking the ELA
151 assessments shall not take the statewide, standardized
152 assessments in Reading or Writing. ELA assessments shall be
153 administered online. The statewide, standardized Mathematics
154 assessments shall be administered annually in grades 3 through
155 8. Students taking a revised Mathematics assessment shall not
156 take the discontinued assessment. The statewide, standardized



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157 Science assessment shall be administered annually at least once
158 at the elementary and middle grades levels. In order to earn a
159 standard high school diploma, a student who has not earned a
160 passing score on the grade 10 Reading assessment or, upon
161 implementation, the grade 10 ELA assessment must earn a passing
162 score on the assessment retake or earn a concordant score as
163 authorized under subsection (8) ~~(7)~~.

164 (b) *End-of-course (EOC) assessments.*—EOC assessments must
165 be statewide, standardized, and developed or approved by the
166 Department of Education as follows:

167 1. EOC assessments for Algebra I, Geometry, Algebra II,
168 Biology I, United States History, and Civics shall be
169 administered to students enrolled in such courses as specified
170 in the course code directory ~~Statewide, standardized EOC~~
171 ~~assessments in mathematics shall be administered according to~~
172 ~~this subparagraph. Beginning with the 2010-2011 school year, all~~
173 ~~students enrolled in Algebra I must take the Algebra I EOC~~
174 ~~assessment. Except as otherwise provided in paragraph (c),~~
175 ~~beginning with students entering grade 9 in the 2011-2012 school~~
176 ~~year, a student who is enrolled in Algebra I must earn a passing~~
177 ~~score on the Algebra I EOC assessment or attain a comparative~~
178 ~~score as authorized under subsection (8) in order to earn a~~
179 ~~standard high school diploma. In order to earn a standard high~~
180 ~~school diploma, a student who has not earned a passing score on~~
181 ~~the Algebra I EOC assessment must earn a passing score on the~~
182 ~~assessment retake or a comparative score as authorized under~~
183 ~~subsection (8). Beginning with the 2011-2012 school year, all~~
184 ~~students enrolled in Geometry must take the Geometry EOC~~
185 ~~assessment. Middle grades students enrolled in Algebra I,~~



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186 ~~Geometry, or Biology I must take the statewide, standardized EOC~~
187 ~~assessment for those courses and shall not take the~~
188 ~~corresponding subject and grade-level statewide, standardized~~
189 ~~assessment. When a statewide, standardized EOC assessment in~~
190 ~~Algebra II is administered, all students enrolled in Algebra II~~
191 ~~must take the EOC assessment. Pursuant to the commissioner's~~
192 ~~implementation schedule, student performance on the Algebra II~~
193 ~~EOC assessment constitutes 30 percent of a student's final~~
194 ~~course grade.~~

195 ~~2. Statewide, standardized EOC assessments in science shall~~
196 ~~be administered according to this subparagraph. Beginning with~~
197 ~~the 2011-2012 school year, all students enrolled in Biology I~~
198 ~~must take the Biology I EOC assessment. Beginning with students~~
199 ~~entering grade 9 in the 2013-2014 school year, performance on~~
200 ~~the Biology I EOC assessment constitutes 30 percent of the~~
201 ~~student's final course grade.~~

202 ~~2.3. Students enrolled in a course, as specified in the~~
203 ~~course code directory, with an associated statewide,~~
204 ~~standardized EOC assessment must take the EOC assessment for~~
205 ~~such course and may not take the corresponding subject or grade-~~
206 ~~level statewide, standardized assessment pursuant to paragraph~~
207 ~~(a). Sections 1003.4156 and 1003.4282 govern the use of~~
208 ~~statewide, standardized EOC assessment results for students~~
209 ~~Beginning with the 2013-2014 school year, each student's~~
210 ~~performance on the statewide, standardized middle grades Civics~~
211 ~~EOC assessment constitutes 30 percent of the student's final~~
212 ~~course grade in civics education.~~

213 ~~3.4. The commissioner may select one or more nationally~~
214 ~~developed comprehensive examinations, which may include~~



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215 examinations for a College Board Advanced Placement course,
216 International Baccalaureate course, or Advanced International
217 Certificate of Education course, or industry-approved
218 examinations to earn national industry certifications identified
219 in the Industry Certification Funding List, for use as EOC
220 assessments under this paragraph if the commissioner determines
221 that the content knowledge and skills assessed by the
222 examinations meet or exceed the grade-level expectations for the
223 core curricular content established for the course in the Next
224 Generation Sunshine State Standards. Use of any such examination
225 as an EOC assessment must be approved by the state board in
226 rule.

227 ~~4.5.~~ Contingent upon funding provided in the General
228 Appropriations Act, including the appropriation of funds
229 received through federal grants, the commissioner may establish
230 an implementation schedule for the development and
231 administration of additional statewide, standardized EOC
232 assessments that must be approved by the state board in rule. If
233 approved by the state board, student performance on such
234 assessments constitutes 30 percent of a student's final course
235 grade.

236 ~~5.6.~~ All statewide, standardized EOC assessments must be
237 administered online except as otherwise provided in paragraph
238 (c).

239 (c) *Students with disabilities; Florida Alternate*
240 *Assessment.*—

241 1. Each district school board must provide instruction to
242 prepare students with disabilities in the core content knowledge
243 and skills necessary for successful grade-to-grade progression



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244 and high school graduation.

245 2. A student with a disability, as defined in s. 1007.02,
246 for whom the individual education plan (IEP) team determines
247 that the statewide, standardized assessments under this section
248 cannot accurately measure the student's abilities, taking into
249 consideration all allowable accommodations, shall have
250 assessment results waived for the purpose of receiving a course
251 grade and a standard high school diploma. Such waiver shall be
252 designated on the student's transcript. The statement of waiver
253 shall be limited to a statement that performance on an
254 assessment was waived for the purpose of receiving a course
255 grade or a standard high school diploma, as applicable.

256 3. The State Board of Education shall adopt rules, based
257 upon recommendations of the commissioner, for the provision of
258 assessment accommodations for students with disabilities and for
259 students who have limited English proficiency.

260 a. Accommodations that negate the validity of a statewide,
261 standardized assessment are not allowed during the
262 administration of the assessment. However, instructional
263 accommodations are allowed in the classroom if identified in a
264 student's IEP. Students using instructional accommodations in
265 the classroom that are not allowed on a statewide, standardized
266 assessment may have assessment results waived if the IEP team
267 determines that the assessment cannot accurately measure the
268 student's abilities.

269 b. If a student is provided with instructional
270 accommodations in the classroom that are not allowed as
271 accommodations for statewide, standardized assessments, the
272 district must inform the parent in writing and provide the



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273 parent with information regarding the impact on the student's
274 ability to meet expected performance levels. A parent must
275 provide signed consent for a student to receive classroom
276 instructional accommodations that would not be available or
277 permitted on a statewide, standardized assessment and
278 acknowledge in writing that he or she understands the
279 implications of such instructional accommodations.

280 c. If a student's IEP states that online administration of
281 a statewide, standardized assessment will significantly impair
282 the student's ability to perform, the assessment shall be
283 administered in hard copy.

284 4. For students with significant cognitive disabilities,
285 the Department of Education shall provide for implementation of
286 the Florida Alternate Assessment to accurately measure the core
287 curricular content established in the Next Generation Sunshine
288 State Standards.

289 (d) *Implementation schedule.*—

290 1. The Commissioner of Education shall establish and
291 publish on the department's website an implementation schedule
292 to transition from the statewide, standardized Reading and
293 Writing assessments to the ELA assessments and to the revised
294 Mathematics assessments, including the Algebra I and Geometry
295 EOC assessments. The schedule must take into consideration
296 funding, sufficient field and baseline data, access to
297 assessments, instructional alignment, and school district
298 readiness to administer the assessments online. All such
299 assessments must be delivered through computer-based testing,
300 however, the following assessments must be delivered in a
301 computer-based format, as follows: the grade 3 ELA assessment,



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302 beginning in the 2017-2018 school year; the grade 3 mathematics
303 assessment beginning in the 2016-2017 school year; the grade 4
304 ELA assessment, beginning in the 2015-2016 school year; and the
305 grade 4 mathematics assessment, beginning in the 2016-2017
306 school year.

307 2. The Department of Education shall publish minimum and
308 recommended technology requirements that include specifications
309 for hardware, software, networking, security, and broadband
310 capacity to facilitate school district compliance with the
311 requirement that assessments be administered online.

312 (e) *Assessment scores and achievement levels.*—

313 1. All statewide, standardized EOC assessments and ELA,
314 mathematics Reading, Writing, and Science assessments shall use
315 scaled scores and achievement levels. Achievement levels shall
316 range from 1 through 5, with level 1 being the lowest
317 achievement level, level 5 being the highest achievement level,
318 and level 3 indicating satisfactory performance on an
319 assessment. ~~For purposes of the statewide, standardized Writing~~
320 ~~assessment, student achievement shall be scored using a scale of~~
321 ~~1 through 6.~~

322 2. The state board shall designate by rule a passing score
323 for each statewide, standardized assessment.

324 3. If the commissioner seeks to revise a statewide,
325 standardized assessment and the revisions require the state
326 board to modify performance level scores, including the passing
327 score, the commissioner shall provide a copy of the proposed
328 scores and implementation plan to the President of the Senate
329 and the Speaker of the House of Representatives at least 90 days
330 before submission to the state board for review. Until the state



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331 board adopts the modifications by rule, the commissioner shall
332 use calculations for scoring the assessment that adjust student
333 scores on the revised assessment for statistical equivalence to
334 student scores on the former assessment. The state board shall
335 adopt by rule the passing score for the revised assessment that
336 is statistically equivalent to the passing score on the
337 discontinued assessment for a student who is required to attain
338 a passing score on the discontinued assessment. The commissioner
339 may, with approval of the state board, discontinue
340 administration of the former assessment upon the graduation,
341 based on normal student progression, of students participating
342 in the final regular administration of the former assessment. If
343 the commissioner revises a statewide, standardized assessment
344 and the revisions require the state board to modify the passing
345 score, only students taking the assessment for the first time
346 after the rule is adopted are affected.

347 ~~(f) Assessment schedules and reporting of results. The~~
348 ~~Commissioner of Education shall establish schedules for the~~
349 ~~administration of assessments and the reporting of student~~
350 ~~assessment results. The commissioner shall consider the~~
351 ~~observance of religious and school holidays when developing the~~
352 ~~schedule. By August 1 of each year, the commissioner shall~~
353 ~~notify each school district in writing and publish on the~~
354 ~~department's website the assessment and reporting schedules for,~~
355 ~~at a minimum, the school year following the upcoming school~~
356 ~~year. The assessment and reporting schedules must provide the~~
357 ~~earliest possible reporting of student assessment results to the~~
358 ~~school districts. Assessment results for the statewide,~~
359 ~~standardized Reading assessments, or upon implementation the ELA~~



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360 ~~assessments, and Mathematics assessments, including the EOC~~
361 ~~assessments in Algebra I and Geometry, must be made available no~~
362 ~~later than the week of June 8. The administration of the~~
363 ~~statewide, standardized Writing assessment and the Florida~~
364 ~~Alternate Assessment may be no earlier than the week of March 1.~~
365 ~~School districts shall administer assessments in accordance with~~
366 ~~the schedule established by the commissioner.~~

367 (f) ~~(g)~~ *Prohibited activities.*—A district school board shall
368 prohibit each public school from suspending a regular program of
369 curricula for purposes of administering practice assessments or
370 engaging in other assessment-preparation activities for a
371 statewide, standardized assessment. However, a district school
372 board may authorize a public school to engage in the following
373 assessment-preparation activities:

374 1. Distributing to students sample assessment books and
375 answer keys published by the Department of Education.

376 2. Providing individualized instruction in assessment-
377 taking strategies, without suspending the school's regular
378 program of curricula, for a student who scores Level 1 or Level
379 2 on a prior administration of an assessment.

380 3. Providing individualized instruction in the content
381 knowledge and skills assessed, without suspending the school's
382 regular program of curricula, for a student who scores Level 1
383 or Level 2 on a prior administration of an assessment or a
384 student who, through a diagnostic assessment administered by the
385 school district, is identified as having a deficiency in the
386 content knowledge and skills assessed.

387 4. Administering a practice assessment or engaging in other
388 assessment-preparation activities that are determined necessary



389 to familiarize students with the organization of the assessment,
390 the format of assessment items, and the assessment directions or
391 that are otherwise necessary for the valid and reliable
392 administration of the assessment, as set forth in rules adopted
393 by the State Board of Education with specific reference to this
394 paragraph.

395 (g) ~~(h)~~ *Contracts for assessments.*—

396 1. The commissioner shall provide for the assessments to be
397 developed or obtained, as appropriate, through contracts and
398 project agreements with private vendors, public vendors, public
399 agencies, postsecondary educational institutions, or school
400 districts. The commissioner may enter into contracts for the
401 continued administration of the assessments authorized and
402 funded by the Legislature. Contracts may be initiated in 1
403 fiscal year and continue into the next fiscal year and may be
404 paid from the appropriations of either or both fiscal years. The
405 commissioner may negotiate for the sale or lease of tests,
406 scoring protocols, test scoring services, and related materials
407 developed pursuant to law.

408 2. A student's performance results on statewide,
409 standardized assessments, EOC assessments, and Florida
410 Alternative Assessments administered pursuant to this subsection
411 must be provided to the student's teachers and parents by the
412 end of the school year, unless the commissioner determines that
413 extenuating circumstances exist and reports the extenuating
414 circumstances to the State Board of Education. This subparagraph
415 does not apply to existing contracts for such assessments, but
416 shall apply to new contracts and any renewal of existing
417 contracts for such assessments.



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418 3. If liquidated damages are applicable, the department
419 shall collect liquidated damages that are due in response to the
420 administration of the spring 2015 computer-based assessments of
421 the department's Florida Standards Assessment contract with
422 American Institutes for Research, and expend the funds to
423 reimburse parties that incurred damages.

424 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED
425 ASSESSMENT PROGRAM PROGRAMS.—Each public school shall
426 participate in the statewide, standardized assessment program in
427 accordance with the assessment and reporting schedules and the
428 minimum and recommended technology requirements published by the
429 Commissioner of Education. District school boards shall not
430 establish school calendars that conflict with or jeopardize
431 implementation of the assessment program. All district school
432 boards shall report assessment results using ~~as required by~~ the
433 state management information system. Performance data shall be
434 analyzed and reported to parents, the community, and the state.
435 Student performance data shall be used by districts in
436 developing objectives for the school improvement plan,
437 evaluating instructional personnel and administrative personnel,
438 assigning staff, allocating resources, acquiring instructional
439 materials and technology, implementing performance-based
440 budgeting, and promoting and assigning students to educational
441 programs. The analysis of student performance data must also
442 identify strengths and needs in the educational program and
443 trends over time. The analysis must be used in conjunction with
444 the budgetary planning processes developed pursuant to s.
445 1008.385 and the development of remediation programs.

446 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE



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447 STANDARDS ASSESSMENTS.-

448 (a) Measurement of student performance is the
449 responsibility of school districts ~~in all subjects and grade~~
450 ~~levels,~~ except in those subjects and grade levels measured under
451 the statewide, standardized assessment program described in this
452 section, ~~is the responsibility of the school districts.~~ When
453 available, instructional personnel must be provided with
454 information on student achievement of standards and benchmarks
455 in order to improve instruction.

456 (b) ~~Except for those subjects and grade levels measured~~
457 ~~under the statewide, standardized assessment program, beginning~~
458 ~~with the 2014-2015 school year, each school district shall~~
459 ~~administer for each course offered in the district a local~~
460 ~~assessment that measures student mastery of course content at~~
461 ~~the necessary level of rigor for the course. As adopted pursuant~~
462 ~~to State Board of Education rule, course content is set forth in~~
463 ~~the state standards required by s. 1003.41 and in the course~~
464 ~~description. Local assessments may include:~~

- 465 1. ~~Statewide assessments.~~
- 466 2. ~~Other standardized assessments, including nationally~~
467 ~~recognized standardized assessments.~~
- 468 3. ~~Industry certification assessments.~~
- 469 4. ~~District-developed or district-selected end-of-course~~
470 ~~assessments.~~
- 471 5. ~~Teacher-selected or principal-selected assessments.~~

472 (c) ~~Each district school board must adopt policies for~~
473 ~~selection, development, administration, and scoring of local~~
474 ~~assessments and for collection of assessment results. Local~~
475 ~~assessments implemented under subparagraphs (b)4. and 5. may~~



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476 ~~include a variety of assessment formats, including, but not~~
477 ~~limited to, project-based assessments, adjudicated performances,~~
478 ~~and practical application assignments. For all English Language~~
479 ~~Arts, mathematics, science, and social studies courses offered~~
480 ~~in the district that are used to meet graduation requirements~~
481 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
482 ~~not otherwise assessed by statewide, standardized assessments,~~
483 ~~the district school board must select the assessments described~~
484 ~~in subparagraphs (b)1.-4.~~

485 (b)(d) The Commissioner of Education shall ~~identify methods~~
486 ~~to~~ assist and support districts in measuring student performance
487 on the state standards by maintaining a statewide the
488 ~~development and acquisition of assessments required under this~~
489 ~~subsection. Methods may include developing item bank banks,~~
490 ~~facilitating the sharing of developed tests or test items among~~
491 ~~school districts, acquiring assessments from state and national~~
492 ~~curriculum-area organizations, and providing technical~~
493 ~~assistance in best assessment professional practices. The~~
494 ~~commissioner may discontinue the item bank if he or she~~
495 ~~determines that district participation is insufficient for its~~
496 ~~sustainability of test development based upon state-adopted~~
497 ~~curriculum standards, administration, and security.~~

498 ~~(c) Each school district shall establish schedules for the~~
499 ~~administration of any district-mandated assessment and approve~~
500 ~~the schedules as an agenda item at a district school board~~
501 ~~meeting. The school district shall publish the testing schedules~~
502 ~~on its website, clearly specifying the district-mandated~~
503 ~~assessments, and report the schedules to the Department of~~
504 ~~Education by October 1 of each year.~~



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505 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

506 (a) The Commissioner of Education shall establish schedules
507 for the administration of statewide, standardized assessments
508 and the reporting of student assessment results. The
509 commissioner shall consider the observance of religious and
510 school holidays when developing the schedules. The assessment
511 and reporting schedules must provide the earliest possible
512 reporting of student assessment results to the school districts,
513 consistent with the requirements of paragraph (3) (g). Assessment
514 results for the statewide, standardized ELA and mathematics
515 assessments and all statewide, standardized EOC assessments must
516 be made available no later than the week of June 8, except for
517 results of assessments administered in the 2014-2015 school
518 year. School districts shall administer statewide, standardized
519 assessments in accordance with the schedule established by the
520 commissioner.

521 (b) By August of each year, beginning in 2016, the
522 commissioner shall publish on the department's website a uniform
523 calendar that includes the assessment and reporting schedules
524 for, at a minimum, the next 2 school years. The uniform calendar
525 must be provided to school districts in an electronic format
526 that allows each school district and public school to populate
527 the calendar with, at minimum, the following information for
528 reporting the district assessment schedules under paragraph (c):

529 1. Whether the assessment is a district-required assessment
530 or a state-required assessment.

531 2. The specific date or dates that each assessment will be
532 administered.

533 3. The time allotted to administer each assessment.



534 4. Whether the assessment is a computer-based assessment or
535 a paper-based assessment.

536 5. The grade level or subject area associated with the
537 assessment.

538 6. The date that the assessment results are expected to be
539 available to teachers and parents.

540 7. The type of assessment, the purpose of the assessment,
541 and the use of the assessment results.

542 8. A glossary of assessment terminology.

543 9. Estimates of average time for administering state-
544 required and district-required assessments, by grade level.

545 (c) Each school district shall establish schedules for the
546 administration of any statewide, standardized assessments and
547 district-required assessments and approve the schedules as an
548 agenda item at a district school board meeting. Each school
549 district shall publish the testing schedules on its website
550 using the uniform calendar, including all information required
551 under paragraph (b), and submit the schedules to the Department
552 of Education by October 1 of each year. Each public school shall
553 publish schedules for statewide, standardized assessments and
554 district-required assessments on its website using the uniform
555 calendar, including all information required under paragraph
556 (b). The uniform calendar must be included in the parent guide
557 required by s. 1002.23(5).

558 (d) A school district may not schedule more than 5 percent
559 of a student's total school hours in a school year to administer
560 statewide, standardized assessments and district-required local
561 assessments. The district must secure written consent from a
562 student's parent before administering district-required local



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563 assessments that, after applicable statewide, standardized are
564 scheduled, exceed the 5 percent test administration limit for
565 that student under this paragraph. The 5 percent test
566 administration limit for a student under this paragraph may be
567 exceeded as needed to provide test accommodations that are
568 required by an IEP or are appropriate for an English language
569 learner who is currently receiving services in a program
570 operated in accordance with an approved English language learner
571 district plan pursuant to s. 1003.56. Notwithstanding, this
572 paragraph, a student may choose within a school year to take an
573 examination or assessment adopted by State Board of Education
574 rule pursuant to this section and ss. 1007.27, 1008.30, and
575 1008.44.

576 (e) A statewide, standardized EOC assessment must be used
577 as the final cumulative examination for its associated course.
578 No additional final assessment may be administered in a course
579 with a statewide, standardized EOC assessment. A district-
580 required local assessment may be used as the final cumulative
581 examination for its associated course in accordance with the
582 school district's policy.

583 (f) A school district must provide a student's performance
584 results on district-required local assessments to the student's
585 teachers and parents no later than 30 days after administering
586 such assessments, unless the superintendent determines in
587 writing that extenuating circumstances exist and reports the
588 extenuating circumstances to the district school board.

589 (g) The State Board of Education shall adopt rules for the
590 development of the uniform calendar that, at minimum, define
591 terms that must be used in the calendar to describe various



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592 assessments, including the terms "summative assessment,"
593 "formative assessment," and "interim assessment."

594 Section 6. Subsection (3) of section 1008.24, Florida
595 Statutes, is amended to read:

596 1008.24 Test administration and security; public records
597 exemption.—

598 (3) (a) A school district may contract with qualified
599 contractors to administer and proctor statewide, standardized
600 assessments required under s. 1008.22 or assessments associated
601 with Florida approved courses under s. 1003.499, as approved by
602 the Department of Education in accordance with rules of the
603 State Board of Education. Assessments may be administered or
604 proctored by qualified contractors at sites that meet criteria
605 established by rules of the State Board of Education and adopted
606 pursuant to ss. 120.536(1) and 120.54 to implement the
607 contracting requirements of this subsection.

608 (b) A school district may use district employees, such as
609 education paraprofessionals as described in s. 1012.37, to
610 administer and proctor statewide, standardized assessments
611 required under s. 1008.22 or assessments associated with Florida
612 approved courses under s. 1003.499, in accordance with this
613 section and related rules adopted by the State Board of
614 Education. The rules must establish training requirements that
615 must be successfully completed by district employees prior to
616 the employees performing duties pursuant this paragraph.

617 Section 7. Section 1008.25, Florida Statutes, is amended to
618 read:

619 1008.25 Public school student progression; student support
620 ~~remedial instruction~~; reporting requirements.—



621 (1) INTENT.—It is the intent of the Legislature that each
622 student's progression from one grade to another be determined,
623 in part, upon satisfactory performance in English Language arts,
624 social studies, ~~reading, writing,~~ science, and mathematics; that
625 district school board policies facilitate student achievement;
626 that each student and his or her parent be informed of that
627 student's academic progress; and that students have access to
628 educational options that provide academically challenging
629 coursework or accelerated instruction pursuant to s. 1002.3105.

630 (2) ~~COMPREHENSIVE~~ STUDENT PROGRESSION PLAN.—Each district
631 school board shall establish a comprehensive plan for student
632 progression which must provide for a student's progression from
633 one grade to another based on the student's mastery of the
634 standards in s. 1003.41, specifically English language arts,
635 mathematics, science, and social studies standards. The plan
636 must:

637 (a) Include criteria that emphasizes student reading
638 proficiency in kindergarten through grade 3 and provide targeted
639 instructional support for students with identified deficiencies
640 in English language arts, mathematics, science, and social
641 studies. High schools shall use all available assessment
642 results, including the results of statewide, standardized
643 English Language Arts assessments and end-of-course assessments
644 for Algebra I and Geometry, to advise students of any identified
645 deficiencies and to provide appropriate postsecondary
646 preparatory instruction before high school graduation. The
647 results of evaluations used to monitor a student's progress in
648 grades K-12 must be provided to the student's teacher in a
649 timely manner and as otherwise required by law. Thereafter,



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650 evaluation results must be provided to the student's parent in a
651 timely manner. When available, instructional personnel must be
652 provided with information on student achievement of standards
653 and benchmarks in order to improve instruction.

654 ~~(a) Provide standards for evaluating each student's~~
655 ~~performance, including how well he or she masters the~~
656 ~~performance standards approved by the State Board of Education.~~

657 ~~(b) Provide specific levels of performance in reading,~~
658 ~~writing, science, and mathematics for each grade level,~~
659 ~~including the levels of performance on statewide assessments as~~
660 ~~defined by the commissioner, below which a student must receive~~
661 ~~remediation or be retained within an intensive program that is~~
662 ~~different from the previous year's program and that takes into~~
663 ~~account the student's learning style.~~

664 ~~(c) Provide appropriate alternative placement for a student~~
665 ~~who has been retained 2 or more years.~~

666 (b)-(d)1. List the student eligibility and procedural
667 requirements established by the school district for whole-grade
668 promotion, midyear promotion, and subject-matter acceleration
669 that would result in a student attending a different school,
670 pursuant to s. 1002.3105(2) (b) .

671 2. Notify parents and students of the school district's
672 process by which a parent may request student participation in
673 whole-grade promotion, midyear promotion, or subject-matter
674 acceleration that would result in a student attending a
675 different school, pursuant to s. 1002.3105(4) (b)2.

676 (c)-(e)1. Advise parents and students that additional ACCEL
677 options may be available at the student's school, pursuant to s.
678 1002.3105.



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679 2. Advise parents and students to contact the principal at
680 the student's school for information related to student
681 eligibility requirements for whole-grade promotion, midyear
682 promotion, and subject-matter acceleration when the promotion or
683 acceleration occurs within the principal's school; virtual
684 instruction in higher grade level subjects; and any other ACCEL
685 options offered by the principal, pursuant to s.
686 1002.3105(2) (a).

687 3. Advise parents and students to contact the principal at
688 the student's school for information related to the school's
689 process by which a parent may request student participation in
690 whole-grade promotion, midyear promotion, and subject-matter
691 acceleration when the promotion or acceleration occurs within
692 the principal's school; virtual instruction in higher grade
693 level subjects; and any other ACCEL options offered by the
694 principal, pursuant to s. 1002.3105(4) (b)1.

695 (d)~~(f)~~ Advise parents and students of the early graduation
696 options under s. 1003.4281.

697 (e)~~(g)~~ List, or incorporate by reference, all dual
698 enrollment courses contained within the dual enrollment
699 articulation agreement established pursuant to s. 1007.271(21).

700 (f)~~(h)~~ Provide instructional sequences by which students in
701 kindergarten through high school may attain progressively higher
702 levels of skill in the use of digital tools and applications.
703 The instructional sequences must include participation in
704 curricular and instructional options and the demonstration of
705 competence of standards required pursuant to ss. 1003.41 and
706 1003.4203 through attainment of industry certifications and
707 other means of demonstrating credit requirements identified



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708 under ss. 1002.3105, 1003.4203, and 1003.4282.

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

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

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

717 (4) ASSESSMENT AND SUPPORT REMEDIATION.—

718 (a) Each student must participate in the statewide,
719 standardized assessment program required by s. 1008.22. Each
720 student who does not achieve a ~~meet specific levels of~~
721 ~~performance on the required assessments as determined by the~~
722 ~~district school board or who scores below Level 3~~ or above on
723 the statewide, standardized Reading assessment ~~or, upon~~
724 ~~implementation, the English Language Arts assessment, or on the~~
725 statewide, standardized Mathematics assessment, or assessments
726 ~~in grades 3 through 8 and the Algebra I EOC assessment must be~~
727 evaluated ~~provided with additional diagnostic assessments to~~
728 determine the nature of the student's difficulty, the areas of
729 academic need, and strategies for providing academic supports to
730 improve the student's performance ~~appropriate intervention and~~
731 ~~instruction as described in paragraph (b).~~

732 (b) ~~The school in which the student is enrolled must~~
733 ~~develop, in consultation with the student's parent, and must~~
734 ~~implement a progress monitoring plan. A progress monitoring plan~~
735 ~~is intended to provide the school district and the school~~
736 ~~flexibility in meeting the academic needs of the student and to~~



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737 ~~reduce paperwork.~~ A student who is not meeting the school
738 district or state requirements for satisfactory performance in
739 English Language Arts and mathematics must proficiency in
740 ~~reading and mathematics shall~~ be covered by one of the following
741 ~~plans to target instruction and identify ways to improve his or~~
742 ~~her academic achievement:~~

743 1. A federally required student plan such as an individual
744 education plan;

745 2. A schoolwide system of progress monitoring for all
746 students, except a student who scores Level 4 or above on the
747 English Language Arts and mathematics assessments may be
748 exempted from participation by the principal; or

749 3. An individualized progress monitoring plan.

750
751 ~~The plan chosen must be designed to assist the student or the~~
752 ~~school in meeting state and district expectations for~~
753 ~~proficiency. If the student has been identified as having a~~
754 ~~deficiency in reading, the K-12 comprehensive reading plan~~
755 ~~required by s. 1011.62(9) shall include instructional and~~
756 ~~support services to be provided to meet the desired levels of~~
757 ~~performance. District school boards may require low-performing~~
758 ~~students to attend remediation programs held before or after~~
759 ~~regular school hours or during the summer if transportation is~~
760 ~~provided.~~

761 ~~(c) Upon subsequent evaluation, if the documented~~
762 ~~deficiency has not been remediated, the student may be retained.~~
763 ~~Each student who does not meet the minimum performance~~
764 ~~expectations defined by the Commissioner of Education for the~~
765 ~~statewide assessment tests in reading, writing, science, and~~



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766 ~~mathematics must continue to be provided with remedial or~~
767 ~~supplemental instruction until the expectations are met or the~~
768 ~~student graduates from high school or is not subject to~~
769 ~~compulsory school attendance.~~

770 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

771 (a) Any student who exhibits a substantial deficiency in
772 reading, based upon locally determined or statewide assessments
773 conducted in kindergarten or grade 1, grade 2, or grade 3, or
774 through teacher observations, must be given intensive reading
775 instruction immediately following the identification of the
776 reading deficiency. The student's reading proficiency must be
777 monitored and the intensive instruction must continue until the
778 student demonstrates grade level proficiency in a manner
779 determined by the district, which may include achieving a Level
780 3 on the statewide, standardized English Language Arts
781 assessment reassessed by locally determined assessments or
782 through teacher observations at the beginning of the grade
783 following the intensive reading instruction. The student must
784 continue to be provided with intensive reading instruction until
785 the reading deficiency is remedied.

786 (b) To be promoted to grade 4, a student must score a Level
787 2 or higher on the statewide, standardized English Language Arts
788 assessment required under s. 1008.22 for grade 3. If a student's
789 reading deficiency is not remedied by the end of grade 3, as
790 demonstrated by scoring Level 2 or higher on the statewide,
791 standardized assessment required under s. 1008.22 for grade 3,
792 the student must be retained.

793 (c) The parent of any student who exhibits a substantial
794 deficiency in reading, as described in paragraph (a), must be



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795 notified in writing of the following:

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

798 2. A description of the current services that are provided
799 to the child.

800 3. A description of the proposed supplemental instructional
801 services and supports that will be provided to the child that
802 are designed to remediate the identified area of reading
803 deficiency.

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

807 5. Strategies for parents to use in helping their child
808 succeed in reading proficiency.

809 6. That the statewide, standardized English Language Arts
810 assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not
811 the sole determiner of promotion and that additional
812 evaluations, portfolio reviews, and assessments are available to
813 the child to assist parents and the school district in knowing
814 when a child is reading at or above grade level and ready for
815 grade promotion.

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

823 8. The district's specific criteria and policies for



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824 midyear promotion. Midyear promotion means promotion of a
825 retained student at any time during the year of retention once
826 the student has demonstrated ability to read at grade level.

827 (6) ELIMINATION OF SOCIAL PROMOTION.—

828 (a) No student may be assigned to a grade level based
829 solely on age or other factors that constitute social promotion.

830 (b) The district school board may only exempt students from
831 mandatory retention, as provided in paragraph (5)(b), for good
832 cause. A student who is promoted to grade 4 with a good cause
833 exemption shall be provided intensive reading instruction and
834 intervention that include specialized diagnostic information and
835 specific reading strategies to meet the needs of each student so
836 promoted. The school district shall assist schools and teachers
837 with the implementation of reading strategies for students
838 promoted with a good cause exemption which research has shown to
839 be successful in improving reading among students who have
840 reading difficulties. Good cause exemptions are limited to the
841 following:

842 1. Limited English proficient students who have had less
843 than 2 years of instruction in an English for Speakers of Other
844 Languages program based on the initial date of entry into a
845 school in the United States.

846 2. Students with disabilities whose individual education
847 plan indicates that participation in the statewide assessment
848 program is not appropriate, consistent with the requirements of
849 s. 1008.212.

850 3. Students who demonstrate an acceptable level of
851 performance on an alternative standardized reading or English
852 Language Arts assessment approved by the State Board of



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853 Education.

854 4. A student who demonstrates through a student portfolio
855 that he or she is performing at least at Level 2 on the
856 statewide, standardized ~~Reading assessment or, upon~~
857 ~~implementation, the~~ English Language Arts assessment.

858 5. Students with disabilities who take the statewide,
859 standardized ~~Reading assessment or, upon implementation, the~~
860 English Language Arts assessment and who have an individual
861 education plan or a Section 504 plan that reflects that the
862 student has received intensive instruction ~~remediation~~ in
863 reading or English Language Arts for more than 2 years but still
864 demonstrates a deficiency and was previously retained in
865 kindergarten, grade 1, grade 2, or grade 3.

866 6. Students who have received intensive reading
867 intervention for 2 or more years but still demonstrate a
868 deficiency in reading and who were previously retained in
869 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
870 years. A student may not be retained more than once in grade 3.

871 7. Students who have received intensive remediation in
872 reading or English Language Arts for 2 or more years but still
873 demonstrate a deficiency and who were previously retained in
874 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
875 years. Intensive instruction for students so promoted must
876 include an altered instructional day that includes specialized
877 diagnostic information and specific reading strategies for each
878 student. The district school board shall assist schools and
879 teachers to implement reading strategies that research has shown
880 to be successful in improving reading among low-performing
881 readers.



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882 (c) Requests for good cause exemptions for students from
883 the mandatory retention requirement as described in
884 subparagraphs (b)3. and 4. shall be made consistent with the
885 following:

886 1. Documentation shall be submitted from the student's
887 teacher to the school principal that indicates that the
888 promotion of the student is appropriate and is based upon the
889 student's academic record. In order to minimize paperwork
890 requirements, such documentation shall consist only of the
891 existing progress monitoring plan, individual educational plan,
892 if applicable, report card, or student portfolio.

893 2. The school principal shall review and discuss such
894 recommendation with the teacher and make the determination as to
895 whether the student should be promoted or retained. If the
896 school principal determines that the student should be promoted,
897 the school principal shall make such recommendation in writing
898 to the district school superintendent. The district school
899 superintendent shall accept or reject the school principal's
900 recommendation in writing.

901 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
902 STUDENTS.—

903 (a) Students retained under the provisions of paragraph
904 (5)(b) must be provided intensive interventions in reading to
905 ameliorate the student's specific reading deficiency, as
906 identified by a valid and reliable diagnostic assessment. This
907 intensive intervention must include effective instructional
908 strategies, participation in the school district's summer
909 reading camp, and appropriate teaching methodologies necessary
910 to assist those students in becoming successful readers, able to



911 read at or above grade level, and ready for promotion to the
912 next grade.

913 (b) Each school district shall:

914 1. Provide third grade students who are retained under the
915 provisions of paragraph (5) (b) with intensive instructional
916 services and supports to remediate the identified areas of
917 reading deficiency, including participation in the school
918 district's summer reading camp as required under paragraph (a)
919 and a minimum of 90 minutes of daily, uninterrupted,
920 scientifically research-based reading instruction which includes
921 phonemic awareness, phonics, fluency, vocabulary, and
922 comprehension and other strategies prescribed by the school
923 district, which may include, but are not limited to:

924 a. Integration of science and social studies content within
925 the 90-minute block.

926 b. Small group instruction.

927 c. Reduced teacher-student ratios.

928 d. More frequent progress monitoring.

929 e. Tutoring or mentoring.

930 f. Transition classes containing 3rd and 4th grade
931 students.

932 g. Extended school day, week, or year.

933 2. Provide written notification to the parent of a student
934 who is retained under the provisions of paragraph (5) (b) that
935 his or her child has not met the proficiency level required for
936 promotion and the reasons the child is not eligible for a good
937 cause exemption as provided in paragraph (6) (b). The
938 notification must comply with the provisions of s. 1002.20(15)
939 and must include a description of proposed interventions and



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940 supports that will be provided to the child to remediate the
941 identified areas of reading deficiency.

942 3. Implement a policy for the midyear promotion of a
943 student retained under the provisions of paragraph (5) (b) who
944 can demonstrate that he or she is a successful and independent
945 reader and performing at or above grade level in reading or,
946 upon implementation of English Language Arts assessments,
947 performing at or above grade level in English Language Arts.
948 Tools that school districts may use in reevaluating a student
949 retained may include subsequent assessments, alternative
950 assessments, and portfolio reviews, in accordance with rules of
951 the State Board of Education.

952 4. Provide students who are retained under the provisions
953 of paragraph (5) (b) with a highly effective teacher as
954 determined by the teacher's performance evaluation under s.
955 1012.34.

956 5. Establish at each school, when applicable, an Intensive
957 Acceleration Class for retained grade 3 students who
958 subsequently score Level 1 on the required statewide,
959 standardized assessment identified in s. 1008.22. The focus of
960 the Intensive Acceleration Class shall be to increase a child's
961 reading and English Language Arts skill level at least two grade
962 levels in 1 school year. The Intensive Acceleration Class shall:

963 a. Be provided to a student in grade 3 who scores Level 1
964 on the statewide, standardized ~~Reading assessment or, upon~~
965 ~~implementation, the~~ English Language Arts assessment and who was
966 retained in grade 3 the prior year because of scoring Level 1.

967 b. Have a reduced teacher-student ratio.

968 c. Provide uninterrupted reading instruction for the



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969 majority of student contact time each day and incorporate
970 opportunities to master the grade 4 Next Generation Sunshine
971 State Standards in other core subject areas.

972 d. Use a reading program that is scientifically research-
973 based and has proven results in accelerating student reading
974 achievement within the same school year.

975 e. Provide intensive language and vocabulary instruction
976 using a scientifically research-based program, including use of
977 a speech-language therapist.

978 (8) ANNUAL REPORT.—

979 (a) In addition to the requirements in paragraph (5) (b),
980 each district school board must annually report to the parent of
981 each student the progress of the student toward achieving state
982 and district expectations for proficiency in English Language
983 Arts, reading, writing, science, social studies, and
984 mathematics. The district school board must report to the parent
985 the student's results on each statewide, standardized assessment
986 ~~test~~. The evaluation of each student's progress must be based
987 upon the student's classroom work, observations, tests, district
988 and state assessments, and other relevant information. Progress
989 reporting must be provided to the parent in writing in a format
990 adopted by the district school board.

991 (b) Each district school board must annually publish on the
992 district website ~~and in the local newspaper~~ the following
993 information on the prior school year:

994 1. The provisions of this section relating to public school
995 student progression and the district school board's policies and
996 procedures on student retention and promotion.

997 2. By grade, the number and percentage of all students in



998 grades 3 through 10 performing at Levels 1 and 2 on the
999 statewide, standardized English Language Arts assessment ~~reading~~
1000 ~~portion of the FCAT.~~

1001 3. By grade, the number and percentage of all students
1002 retained in kindergarten ~~grades 3~~ through grade 10.

1003 4. Information on the total number of students who were
1004 promoted for good cause, by each category of good cause as
1005 specified in paragraph (6) (b).

1006 5. Any revisions to the district school board's policies
1007 and procedures ~~policy~~ on student retention and promotion from
1008 the prior year.

1009 (9) RULEMAKING.—The State Board of Education shall adopt
1010 rules pursuant to ss. 120.536(1) and 120.54 for the
1011 administration of this section.

1012 Section 8. Subsection (3) of section 1008.30, Florida
1013 Statutes, is amended to read:

1014 1008.30 Common placement testing for public postsecondary
1015 education.—

1016 ~~(3) The State Board of Education shall adopt rules that~~
1017 ~~require high schools to evaluate before the beginning of grade~~
1018 ~~12 the college readiness of each student who scores Level 2 or~~
1019 ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~
1020 ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~
1021 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~
1022 ~~schools shall perform this evaluation using results from the~~
1023 ~~corresponding component of the common placement test prescribed~~
1024 ~~in this section, or an alternative test identified by the State~~
1025 ~~Board of Education. The high school shall use the results of the~~
1026 ~~test to advise the students of any identified deficiencies and~~



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1027 ~~to provide 12th grade students, and require them to complete,~~
1028 ~~appropriate postsecondary preparatory instruction before high~~
1029 ~~school graduation. The curriculum provided under this subsection~~
1030 ~~shall be identified in rule by the State Board of Education and~~
1031 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~
1032 ~~elective courses may not be substituted for the selected~~
1033 ~~postsecondary mathematics, reading, writing, or English Language~~
1034 ~~Arts preparatory course unless the elective course covers the~~
1035 ~~same competencies included in the postsecondary mathematics,~~
1036 ~~reading, writing, or English Language Arts preparatory course.~~

1037 Section 9. Subsection (7) of section 1008.34, Florida
1038 Statutes, is amended to read:

1039 1008.34 School grading system; school report cards;
1040 district grade.—

1041 (7) TRANSITION.—School grades pursuant to this section and
1042 school improvement ratings pursuant to s. 1008.341 for the 2013-
1043 2014 school year shall be calculated based on statutes and rules
1044 in effect on June 30, 2014. To assist in the transition to 2014-
1045 2015 school grades and school improvement ratings, calculated
1046 based on new statewide, standardized assessments administered
1047 pursuant to s. 1008.22, the 2014-2015 school grades and school
1048 improvement ratings shall serve as an informational baseline for
1049 schools to work toward improved performance in future years.
1050 Accordingly, notwithstanding any other provision of law:

1051 (a) A school may not be required to select and implement a
1052 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
1053 year based on the school's 2014-2015 grade or school improvement
1054 rating under s. 1008.341, as applicable. The benefits of s.
1055 1008.33(4)(c), relating to a school being released from



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1056 implementation of the turnaround option, and s. 1008.33(4)(d),
1057 relating to a school implementing strategies identified in its
1058 school improvement plan, apply to a school using turnaround
1059 options pursuant to s. 1008.33 which improves at least one
1060 letter grade during the 2014-2015 school year.

1061 (b)1. A school or approved provider under s. 1002.45 which
1062 ~~that~~ receives the same or a lower school grade or school
1063 improvement rating for the 2014-2015 school year compared to the
1064 2013-2014 school year is not subject to sanctions or penalties
1065 that would otherwise occur as a result of the 2014-2015 school
1066 grade or rating. A charter school system or a school district
1067 designated as high performing may not lose the designation based
1068 on the 2014-2015 school grades of any of the schools within the
1069 charter school system or school district, as applicable.

1070 2. The Florida School Recognition Program established under
1071 s. 1008.36 shall continue to be implemented as otherwise
1072 provided in the General Appropriations Act.

1073 (c) Until such time as an independent verification of the
1074 psychometric validity of the statewide, standardized assessments
1075 first implemented in 2014-2015 is provided, for purposes of
1076 ~~determining~~ grade 3 English Language Arts student performance
1077 ~~retention pursuant to s. 1008.25(5)~~ and high school graduation
1078 requirements pursuant to s. 1003.4282, student performance on
1079 the 2014-2015 statewide, standardized assessments shall be
1080 linked to 2013-2014 student performance expectations. Students
1081 who score in the bottom quintile on the 2014-2015 grade 3
1082 English Language Arts assessment shall be identified as students
1083 at risk of retention. School districts must notify parents of
1084 such students, provide evidence as outlined in s. 1008.25(6)(b),



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1085 and provide the appropriate intervention and support services
1086 for student success in fourth grade.

1087

1088 This subsection is repealed July 1, 2017.

1089 Section 10. School district contingency plan.-

1090 Notwithstanding s. 1008.34(7), Florida Statutes, a school
1091 district may, by majority vote of the district school board,
1092 request approval from the State Board of Education to waive all
1093 requirements and benefits specified in ss. 1008.34(7), 1008.36,
1094 and 1003.621, Florida Statutes, and instead use results from
1095 student performance on the new statewide, standardized
1096 assessments administered in the 2014-2015 school year pursuant
1097 to s. 1008.22, Florida Statutes, for diagnostic and baseline
1098 purposes only.

1099 (1) A school district's request must be submitted to the
1100 Commissioner of Education by the school district superintendent
1101 during the period from the last day of administration of
1102 statewide, standardized assessments through June 5, 2015, in
1103 accordance with the guidelines established by the commissioner.
1104 At a minimum, the request, must include identification of:

1105 (a) The scope of the request, to apply either to the school
1106 district or to a school or certain schools within the school
1107 district. The request must be made at a district or school
1108 level. The request may not be made at a grade level, a subject-
1109 area level, or another level.

1110 (b) The reason for the request, including a description of
1111 the systemic or unique technical implementation failure.
1112 Quantifiable data substantiating the reason for such failure
1113 must accompany the request. A school district's inability to



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1114 assess the minimum percentage of students pursuant to ss.
1115 1008.34 and 1008.341, Florida Statutes, does not constitute a
1116 reasonable justification for requesting the waiver under this
1117 section.

1118 (c) The school district's corrective action plan, which has
1119 been adopted by the district school board, and certification
1120 that the identified technical implementation failure must be
1121 resolved in time for successful administration of the statewide,
1122 standardized assessments during the 2015-2016 school year and
1123 each school year thereafter. The district must identify how the
1124 district plans to allocate resources and technical assistance
1125 that the district needs from the Department of Education to
1126 facilitate the district's successful resolution of technical
1127 deficiencies.

1128 (d) The school district's plan for using the diagnostic
1129 data to facilitate continuous improvement in student performance
1130 and the effectiveness of schools, instructional personnel, and
1131 school administrators; public reporting on the performance of
1132 students, schools, and the district; and informing parents about
1133 instruction associated with remediation and retention and
1134 options available to students including acceleration,
1135 graduation, and school choice. The district must also describe
1136 its plans for implementing student progression plans,
1137 performance evaluations of instructional personnel and school
1138 administrators, performance salary schedule requirements, and
1139 other uses as identified by the commissioner.

1140 (2) The commissioner shall review each request for a waiver
1141 and consult with the applicable school district superintendent.
1142 The commissioner shall make, and provide reasons for,



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1143 recommendations to the State Board of Education regarding
1144 granting or denying a request for waiver. The state board may
1145 consider recommendations made by the commissioner to approve or
1146 deny school district requests. Notwithstanding any other
1147 provision of law, the commissioner's recommendation to approve a
1148 request may, after consultation with the school district
1149 superintendent, include conditional requirements that must apply
1150 if approved by the state board. The decision of the state board,
1151 including any modifications adopted by the state board, is
1152 final.

1153 (3) For only the 2014-2015 school year, if a waiver is
1154 granted under this section:

1155 (a) A school or a school district may not receive a school
1156 grade, school improvement rating, or school district grade, as
1157 applicable.

1158 (b) A school may, at the school district's discretion,
1159 choose to use new statewide, standardized assessment results in
1160 performance evaluations of instructional personnel and school
1161 administrators.

1162 (c) A school district shall continue to have its student
1163 performance results included in the statewide, standardized
1164 assessment results published by the department pursuant to s.
1165 1008.22, Florida Statutes.

1166 (d) A school shall forfeit eligibility to earn school
1167 recognition funds pursuant to s. 1008.36, Florida Statutes, as
1168 provided in the General Appropriations Act.

1169 (e) A school district shall forfeit the district's
1170 eligibility to earn the designation and benefits associated with
1171 high performing school districts pursuant to s. 1003.621,



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1172 Florida Statutes.

1173

1174 This section expires July 1, 2016.

1175 Section 12. Section 1012.34, Florida Statutes, is amended
1176 to read:

1177 1012.34 Personnel evaluation procedures and criteria.—

1178 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1179 (a) For the purpose of increasing student academic
1180 performance by improving the quality of instructional,
1181 administrative, and supervisory services in the public schools
1182 of the state, the district school superintendent shall establish
1183 procedures for evaluating the performance of duties and
1184 responsibilities of all instructional, administrative, and
1185 supervisory personnel employed by the school district. The
1186 district school superintendent shall provide instructional
1187 personnel the opportunity to review their class rosters for
1188 accuracy and to correct any mistakes. The district school
1189 superintendent shall report accurate class rosters for the
1190 purpose of calculating district and statewide student
1191 performance and annually report the evaluation results of
1192 instructional personnel and school administrators to the
1193 Department of Education in addition to the information required
1194 under subsection (5).

1195 (b) The department must approve each school district's
1196 instructional personnel and school administrator evaluation
1197 systems. The department shall monitor each district's
1198 implementation of its instructional personnel and school
1199 administrator evaluation systems for compliance with the
1200 requirements of this section ~~and s. 1012.3401.~~



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1201 (c) Annually, by February ~~December~~ 1, the Commissioner of
1202 Education shall publish on the department's website ~~report to~~
1203 ~~the Governor, the President of the Senate, and the Speaker of~~
1204 ~~the House of Representatives the approval and implementation~~
1205 status of each school district's instructional personnel and
1206 school administrator evaluation systems. This information must
1207 ~~The report shall~~ include:

1208 1. Performance evaluation results for the prior school year
1209 for instructional personnel and school administrators using the
1210 four levels of performance specified in paragraph (2) (e). The
1211 performance evaluation results for instructional personnel shall
1212 be disaggregated by classroom teachers, as defined in s.
1213 1012.01(2) (a), excluding substitute teachers, and all other
1214 instructional personnel, as defined in s. 1012.01(2) (b)-(d).

1215 2. An analysis that compares performance evaluation results
1216 calculated by each school district to indicators of performance
1217 calculated by the department using the standards for performance
1218 levels adopted by the state board under subsection (8). ~~The~~
1219 ~~commissioner shall include in the report each district's~~
1220 ~~performance-level standards established under subsection (7), a~~
1221 ~~comparative analysis of the district's student academic~~
1222 ~~performance results and evaluation results,~~

1223 3. Data reported under s. 1012.341, ~~and the status of any~~
1224 ~~evaluation system revisions requested by a school district~~
1225 ~~pursuant to subsection (6).~~

1226 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
1227 for instructional personnel and school administrators must:

1228 (a) Be designed to support effective instruction and
1229 student learning growth, and performance evaluation results must



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1230 be used when developing district and school level improvement
1231 plans.

1232 (b) Provide appropriate instruments, procedures, timely
1233 feedback, and criteria for continuous quality improvement of the
1234 professional skills of instructional personnel and school
1235 administrators, and performance evaluation results must be used
1236 when identifying professional development.

1237 (c) Include a mechanism to examine performance data from
1238 multiple sources, including opportunities for parents to provide
1239 input into employee performance evaluations when appropriate.

1240 (d) Identify those teaching fields for which special
1241 evaluation procedures and criteria are necessary.

1242 (e) Differentiate among four levels of performance as
1243 follows:

- 1244 1. Highly effective.
- 1245 2. Effective.
- 1246 3. Needs improvement or, for instructional personnel in the
1247 first 3 years of employment who need improvement, developing.
- 1248 4. Unsatisfactory.

1249
1250 ~~The Commissioner of Education shall consult with experts,~~
1251 ~~instructional personnel, school administrators, and education~~
1252 ~~stakeholders in developing the criteria for the performance~~
1253 ~~levels.~~

1254 (f) Provide for training and monitoring programs ~~that are~~
1255 based upon guidelines provided by the department to ensure that
1256 all individuals with evaluation responsibilities understand the
1257 proper use of the evaluation criteria and procedures.

1258 ~~(g) Include a process for monitoring and evaluating the~~



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1259 ~~effective and consistent use of the evaluation criteria by~~
1260 ~~employees with evaluation responsibilities.~~

1261 ~~(h) Include a process for monitoring and evaluating the~~
1262 ~~effectiveness of the system itself in improving instruction and~~
1263 ~~student learning.~~

1264

1265 In addition, each district school board may establish a peer
1266 assistance process. This process may be a part of the regular
1267 evaluation system or used to assist employees placed on
1268 performance probation, newly hired classroom teachers, or
1269 employees who request assistance.

1270 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
1271 personnel and school administrator performance evaluations must
1272 be based upon the performance of students assigned to their
1273 classrooms or schools, as provided in this section. Pursuant to
1274 this section, a school district's performance evaluation system
1275 is not limited to basing unsatisfactory performance of
1276 instructional personnel and school administrators solely upon
1277 student performance, but may include other criteria ~~approved~~ to
1278 evaluate instructional personnel and school administrators'
1279 performance, or any combination of student performance and other
1280 ~~approved~~ criteria. Evaluation procedures and criteria must
1281 comply with, but are not limited to, the following:

1282 (a) A performance evaluation must be conducted for each
1283 employee at least once a year, except that a classroom teacher,
1284 as defined in s. 1012.01(2)(a), excluding substitute teachers,
1285 who is newly hired by the district school board must be observed
1286 and evaluated at least twice in the first year of teaching in
1287 the school district. The performance evaluation must be based



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1288 upon sound educational principles and contemporary research in
1289 effective educational practices. The evaluation criteria must
1290 include:

1291 1. Performance of students.-At least one-third ~~50 percent~~
1292 of a performance evaluation must be based upon data and
1293 indicators of student performance ~~learning growth assessed~~
1294 ~~annually by statewide assessments or, for subjects and grade~~
1295 ~~levels not measured by statewide assessments, by school district~~
1296 ~~assessments as provided in s. 1008.22(6). Each school district~~
1297 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~
1298 ~~measuring student learning growth in all courses associated with~~
1299 ~~statewide assessments and must select an equally appropriate~~
1300 ~~formula for measuring student learning growth for all other~~
1301 ~~grades and subjects, except as otherwise provided in accordance~~
1302 ~~with~~ subsection (7).

1303 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~
1304 ~~excluding substitute teachers, the student learning growth~~ This
1305 portion of the evaluation must include growth or achievement
1306 data of the teacher's students or, for a school administrator,
1307 the students attending the school ~~for students assigned to the~~
1308 ~~teacher~~ over the course of at least 3 years. If less than 3
1309 years of data are available, the years for which data are
1310 available must be used. The proportion of growth or achievement
1311 data may be determined by instructional assignment and the
1312 percentage of the evaluation based upon student learning growth
1313 may be reduced to not less than 40 percent.

1314 ~~b. For instructional personnel who are not classroom~~
1315 ~~teachers, the student learning growth portion of the evaluation~~
1316 ~~must include growth data on statewide assessments for students~~



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1317 ~~assigned to the instructional personnel over the course of at~~
1318 ~~least 3 years, or may include a combination of student learning~~
1319 ~~growth data and other measurable student outcomes that are~~
1320 ~~specific to the assigned position, provided that the student~~
1321 ~~learning growth data accounts for not less than 30 percent of~~
1322 ~~the evaluation. If less than 3 years of student growth data are~~
1323 ~~available, the years for which data are available must be used~~
1324 ~~and the percentage of the evaluation based upon student learning~~
1325 ~~growth may be reduced to not less than 20 percent.~~

1326 ~~e. For school administrators, the student learning growth~~
1327 ~~portion of the evaluation must include growth data for students~~
1328 ~~assigned to the school over the course of at least 3 years. If~~
1329 ~~less than 3 years of data are available, the years for which~~
1330 ~~data are available must be used and the percentage of the~~
1331 ~~evaluation based upon student learning growth may be reduced to~~
1332 ~~not less than 40 percent.~~

1333 2. Instructional practice.~~For instructional personnel, at~~
1334 ~~least one-third of the performance evaluation must be based upon~~
1335 ~~instructional practice.~~ Evaluation criteria used when annually
1336 observing classroom teachers, as defined in s. 1012.01(2)(a),
1337 excluding substitute teachers, must include indicators based
1338 upon each of the Florida Educator Accomplished Practices adopted
1339 by the State Board of Education. For instructional personnel who
1340 are not classroom teachers, evaluation criteria must be based
1341 upon indicators of the Florida Educator Accomplished Practices
1342 and may include specific job expectations related to student
1343 support.

1344 3. Instructional leadership.~~For school administrators, at~~
1345 ~~least one-third of the performance evaluation must be based on~~



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1346 instructional leadership. Evaluation criteria for instructional
1347 leadership must include indicators based upon each of the
1348 leadership standards adopted by the State Board of Education
1349 under s. 1012.986, including performance measures related to the
1350 effectiveness of classroom teachers in the school, the
1351 administrator's appropriate use of evaluation criteria and
1352 procedures, recruitment and retention of effective and highly
1353 effective classroom teachers, improvement in the percentage of
1354 instructional personnel evaluated at the highly effective or
1355 effective level, and other leadership practices that result in
1356 student learning growth. The system may include a means to give
1357 parents and instructional personnel an opportunity to provide
1358 input into the administrator's performance evaluation.

1359 4. Other indicators of performance ~~Professional and job~~
1360 ~~responsibilities.~~ For instructional personnel and school
1361 administrators, the remainder of a performance evaluation may
1362 include, but is not limited to, For instructional personnel and
1363 ~~school administrators, other~~ professional and job
1364 responsibilities ~~must be included~~ as recommended ~~adopted~~ by the
1365 State Board of Education or identified by the district school
1366 board and, for instructional personnel, peer reviews,
1367 objectively reliable survey information from students and
1368 parents based on teaching practices that are consistently
1369 associated with higher student achievement, and other valid and
1370 reliable measures of instructional practice. ~~The district school~~
1371 ~~board may identify additional professional and job~~
1372 ~~responsibilities.~~

1373 (b) All personnel must be fully informed of the criteria,
1374 data sources, methodologies, and procedures associated with the



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1375 evaluation process before the evaluation takes place.

1376 (c) The individual responsible for supervising the employee
1377 must evaluate the employee's performance. The evaluation system
1378 may provide for the evaluator to consider input from other
1379 personnel trained under subsection (2) paragraph (2)(f). The
1380 evaluator must submit a written report of the evaluation to the
1381 district school superintendent for the purpose of reviewing the
1382 employee's contract. The evaluator must submit the written
1383 report to the employee no later than 10 days after the
1384 evaluation takes place. The evaluator must discuss the written
1385 evaluation report with the employee. The employee shall have the
1386 right to initiate a written response to the evaluation, and the
1387 response shall become a permanent attachment to his or her
1388 personnel file.

1389 (d) The evaluator may amend an evaluation based upon
1390 assessment data from the current school year if the data becomes
1391 available within 90 days after the close of the school year. The
1392 evaluator must then comply with the procedures set forth in
1393 paragraph (c).

1394 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
1395 employee who holds a professional service contract as provided
1396 in s. 1012.33 is not performing his or her duties in a
1397 satisfactory manner, the evaluator shall notify the employee in
1398 writing of such determination. The notice must describe such
1399 unsatisfactory performance and include notice of the following
1400 procedural requirements:

1401 (a) Upon delivery of a notice of unsatisfactory
1402 performance, the evaluator must confer with the employee who
1403 holds a professional service contract, make recommendations with



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1404 respect to specific areas of unsatisfactory performance, and
1405 provide assistance in helping to correct deficiencies within a
1406 prescribed period of time.

1407 (b)1. The employee who holds a professional service
1408 contract shall be placed on performance probation and governed
1409 by the provisions of this section for 90 calendar days following
1410 the receipt of the notice of unsatisfactory performance to
1411 demonstrate corrective action. School holidays and school
1412 vacation periods are not counted when calculating the 90-
1413 calendar-day period. During the 90 calendar days, the employee
1414 who holds a professional service contract must be evaluated
1415 periodically and apprised of progress achieved and must be
1416 provided assistance and inservice training opportunities to help
1417 correct the noted performance deficiencies. At any time during
1418 the 90 calendar days, the employee who holds a professional
1419 service contract may request a transfer to another appropriate
1420 position with a different supervising administrator; however, if
1421 a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),
1422 it does not extend the period for correcting performance
1423 deficiencies.

1424 2. Within 14 days after the close of the 90 calendar days,
1425 the evaluator must evaluate whether the performance deficiencies
1426 have been corrected and forward a recommendation to the district
1427 school superintendent. Within 14 days after receiving the
1428 evaluator's recommendation, the district school superintendent
1429 must notify the employee who holds a professional service
1430 contract in writing whether the performance deficiencies have
1431 been satisfactorily corrected and whether the district school
1432 superintendent will recommend that the district school board



1433 continue or terminate his or her employment contract. If the
1434 employee wishes to contest the district school superintendent's
1435 recommendation, the employee must, within 15 days after receipt
1436 of the district school superintendent's recommendation, submit a
1437 written request for a hearing. The hearing shall be conducted at
1438 the district school board's election in accordance with one of
1439 the following procedures:

1440 a. A direct hearing conducted by the district school board
1441 within 60 days after receipt of the written appeal. The hearing
1442 shall be conducted in accordance with the provisions of ss.
1443 120.569 and 120.57. A majority vote of the membership of the
1444 district school board shall be required to sustain the district
1445 school superintendent's recommendation. The determination of the
1446 district school board shall be final as to the sufficiency or
1447 insufficiency of the grounds for termination of employment; or

1448 b. A hearing conducted by an administrative law judge
1449 assigned by the Division of Administrative Hearings of the
1450 Department of Management Services. The hearing shall be
1451 conducted within 60 days after receipt of the written appeal in
1452 accordance with chapter 120. The recommendation of the
1453 administrative law judge shall be made to the district school
1454 board. A majority vote of the membership of the district school
1455 board shall be required to sustain or change the administrative
1456 law judge's recommendation. The determination of the district
1457 school board shall be final as to the sufficiency or
1458 insufficiency of the grounds for termination of employment.

1459 (5) ADDITIONAL NOTIFICATIONS.—The district school
1460 superintendent shall annually notify the department of any
1461 instructional personnel or school administrators who receive two



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1462 consecutive unsatisfactory evaluations. The district school
1463 superintendent shall also notify the department of any
1464 instructional personnel or school administrators who are given
1465 written notice by the district of intent to terminate or not
1466 renew their employment. The department shall conduct an
1467 investigation to determine whether action shall be taken against
1468 the certificateholder pursuant to s. 1012.795.

1469 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
1470 EVALUATION SYSTEMS.—The district school board shall establish a
1471 procedure for annually reviewing instructional personnel and
1472 school administrator evaluation systems to determine compliance
1473 with this section ~~and s. 1012.3401~~. All substantial revisions to
1474 an approved system must be reviewed and approved by the district
1475 school board before being used to evaluate instructional
1476 personnel or school administrators. Upon request by a school
1477 district, the department shall provide assistance in developing,
1478 improving, or reviewing an evaluation system.

1479 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1480 (a) The Commissioner of Education shall approve a formula
1481 to measure individual student learning growth on the statewide,
1482 standardized assessments in English Language Arts and
1483 mathematics administered under s. 1008.22. The formula must take
1484 into consideration each student's prior academic performance.
1485 The formula must not set different expectations for student
1486 learning growth based upon a student's gender, race, ethnicity,
1487 or socioeconomic status. In the development of the formula, the
1488 commissioner shall consider other factors such as a student's
1489 attendance record, disability status, or status as an English
1490 language learner. The commissioner may ~~shall~~ select additional



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1491 formulas to measure student performance as appropriate for the
1492 remainder of the statewide, standardized assessments included
1493 under s. 1008.22 and continue to select formulas as new
1494 assessments are implemented in the state system. After the
1495 commissioner approves the formula to measure individual student
1496 learning growth, the State Board of Education shall adopt these
1497 formulas in rule.

1498 (b) Each school district shall measure student learning
1499 growth using the formulas approved by the commissioner under
1500 paragraph (a) and the standards for performance levels adopted
1501 by the state board under subsection (8) for courses associated
1502 with the statewide, standardized assessments administered under
1503 s. 1008.22 no later than the school year immediately following
1504 the year the formula is approved by the commissioner. For grades
1505 and subjects not assessed by statewide, standardized assessments
1506 ~~but otherwise assessed as required under s. 1008.22(6), each~~
1507 school district shall measure student performance ~~of students~~
1508 using a methodology determined by the district. ~~The department~~
1509 ~~shall provide models for measuring performance of students which~~
1510 ~~school districts may adopt.~~

1511 ~~(c) For a course that is not measured by a statewide,~~
1512 ~~standardized assessment, a school district may request, through~~
1513 ~~the evaluation system approval process, to use a student's~~
1514 ~~achievement level rather than student learning growth if~~
1515 ~~achievement is demonstrated to be a more appropriate measure of~~
1516 ~~classroom teacher performance. A school district may also~~
1517 ~~request to use a combination of student learning growth and~~
1518 ~~achievement, if appropriate.~~

1519 ~~(d) For a course that is not measured by a statewide,~~



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1520 ~~standardized assessment, a school district may request, through~~
1521 ~~the evaluation system approval process, that the performance~~
1522 ~~evaluation for the classroom teacher assigned to that course~~
1523 ~~include the learning growth of his or her students on one or~~
1524 ~~more statewide, standardized assessments. The request must~~
1525 ~~clearly explain the rationale supporting the request.~~

1526 ~~(e) For purposes of this section and only for the 2014-2015~~
1527 ~~school year, a school district may use measurable learning~~
1528 ~~targets on local assessments administered under s. 1008.22(6) to~~
1529 ~~evaluate the performance of students portion of a classroom~~
1530 ~~teacher's evaluation for courses that are not assessed by~~
1531 ~~statewide, standardized assessments. Learning targets must be~~
1532 ~~approved by the school principal. A district school~~
1533 ~~superintendent may assign to instructional personnel in an~~
1534 ~~instructional team the student learning growth of the~~
1535 ~~instructional team's students on statewide assessments. This~~
1536 ~~paragraph expires July 1, 2015.~~

1537 ~~(8) RULEMAKING.—No later than August 1, 2015, the State~~
1538 ~~Board of Education shall adopt rules pursuant to ss. 120.536(1)~~
1539 ~~and 120.54 which establish uniform procedures and format for the~~
1540 ~~submission, review, and approval of district evaluation systems~~
1541 ~~and reporting requirements for the annual evaluation of~~
1542 ~~instructional personnel and school administrators; specific,~~
1543 ~~discrete standards for each performance level required under~~
1544 ~~subsection (2), based on student learning growth models approved~~
1545 ~~by the commissioner, to ensure clear and sufficient~~
1546 ~~differentiation in the performance levels and to provide~~
1547 ~~consistency in meaning across school districts; the measurement~~
1548 ~~of student learning growth and associated implementation~~



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1549 procedures required under subsection (7); and a process for
1550 monitoring school district implementation of evaluation systems
1551 in accordance with this section. ~~Specifically, the rules shall~~
1552 ~~establish student performance levels that if not met will result~~
1553 ~~in the employee receiving an unsatisfactory performance~~
1554 ~~evaluation rating. In like manner, the rules shall establish a~~
1555 ~~student performance level that must be met in order for an~~
1556 ~~employee to receive a highly effective rating and a student~~
1557 ~~learning growth standard that must be met in order for an~~
1558 ~~employee to receive an effective rating.~~

1559 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—
1560 Standards for each performance level required under subsection
1561 (2) shall be established by the State Board of Education
1562 beginning with the 2015-2016 school year.

1563 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
1564 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
1565 ~~rewards as provided for in the 2014 General Appropriations Act~~
1566 ~~for making outstanding progress toward educator effectiveness,~~
1567 ~~including implementation of instructional personnel salaries~~
1568 ~~based on performance results under s. 1012.34 and the use of~~
1569 ~~local assessment results in personnel evaluations when~~
1570 ~~statewide, standardized assessments are not administered.~~

1571 Section 13. Section 1012.3401, Florida Statutes, is
1572 repealed.

1573 Section 14. Subsection (10) of section 1012.98, Florida
1574 Statutes, is amended to read:

1575 1012.98 School Community Professional Development Act.—

1576 (10) For instructional personnel ~~teachers, managers,~~ and
1577 administrative personnel who have been evaluated as less than



1578 effective ~~satisfactory~~, a district school board shall require
1579 participation in specific professional development programs as
1580 provided in subparagraph (4)(b)4. as part of the improvement
1581 prescription.

1582 Section 15. Except as otherwise expressly provided in this
1583 act, this act shall take effect upon becoming a law.

1584
1585 ===== T I T L E A M E N D M E N T =====

1586 And the title is amended as follows:

1587 Delete everything before the enacting clause
1588 and insert:

1589 A bill to be entitled
1590 An act relating to education accountability; amending
1591 s. 1002.20, F.S.; revising provisions relating to
1592 reading instruction to conform to changes made by the
1593 act; amending ss. 1003.4156 and 1003.4282, F.S.;
1594 deleting provisions relating to remediation for
1595 certain middle grades and high school students,
1596 respectively; amending s. 1003.4285, F.S.; revising
1597 requirements for the scholar designation on standard
1598 high school diplomas; amending s. 1008.22, F.S.;
1599 revising the purpose of the student assessment program
1600 to include providing instructional personnel with
1601 certain information when available; revising the grade
1602 levels of students who must take the statewide,
1603 standardized English Language Arts assessment;
1604 revising provisions relating to end-of-course
1605 assessments; requiring that all students enrolled in
1606 certain courses take the statewide, standardized end-



1607 of-course assessment associated with the course;
1608 prohibiting students who take an end-of-course
1609 assessment for a course from taking other specified
1610 assessments; requiring computer-based testing for
1611 certain assessments during specified school years;
1612 requiring that paper-based accommodations be made
1613 available for certain students; providing for use of
1614 certain assessment results for students; requiring
1615 that a student's performance results on certain
1616 assessments be provided to the student's teachers and
1617 parents within a specified time after administration
1618 of the assessments; providing for liquidated damages;
1619 revising provisions relating to local assessments
1620 administered by school districts; requiring that
1621 certain information relating to student achievement be
1622 provided to instructional personnel when available;
1623 requiring that all end-of-course assessment results be
1624 reported annually by a specified date; providing an
1625 exemption for the 2014-2015 school year; requiring the
1626 Commissioner of Education to annually publish a
1627 uniform calendar for assessment and reporting on the
1628 Department of Education's website; requiring each
1629 school district to establish assessment schedules,
1630 approve such schedules at a district school board
1631 meeting, and publish such schedules on the district's
1632 website; requiring each public school to publish such
1633 schedules on the school's website; providing that
1634 certain assessments replace final assessments in
1635 certain courses; requiring teachers and parents to be



1636 provided with results of district-required local
1637 assessments in a timely manner; requiring rulemaking
1638 relating to the uniform calendar; amending s. 1008.24,
1639 F.S.; authorizing a school district to use district
1640 employees to administer and proctor specified
1641 assessments; providing minimum requirements for State
1642 Board of Education rules regarding the training of
1643 such employees; amending s. 1008.25, F.S.; deleting
1644 requirements for the comprehensive student progression
1645 plan; requiring each district school board to adopt
1646 criteria for student grade-level progression; revising
1647 provisions relating to support for certain students
1648 and student promotion from grade 3 to grade 4;
1649 requiring that certain information relating to student
1650 achievement be provided to instructional personnel
1651 when available; providing for intensive instruction
1652 for certain students; revising reporting requirements;
1653 amending s. 1008.30, F.S.; deleting a requirement for
1654 certain students to be evaluated for college
1655 readiness; amending s. 1008.34, F.S.; adding
1656 references to school improvement ratings to provisions
1657 regarding the school grading system; specifying
1658 applicability of certain accountability measures to
1659 schools using turnaround options; requiring that
1660 students who score in the bottom quintile on the 2014-
1661 2015 grade 3 English Language Arts assessment be
1662 identified as students at risk of retention; requiring
1663 that each school district notify such students'
1664 parents, provide evidence, and provide intervention



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1665 and support services; authorizing a school district to
1666 request approval from the state board to use student
1667 performance results on new statewide assessments for
1668 diagnostic and baseline purposes; requiring a district
1669 school superintendent to submit the waiver request to
1670 the Commissioner of Education; specifying required
1671 content of a waiver request; requiring the
1672 commissioner to review and make recommendations to the
1673 state board regarding each waiver request; specifying
1674 conditions and requirements for a school that is
1675 granted a waiver for the 2014-2015 school year;
1676 providing for expiration; amending s. 1012.34, F.S.;
1677 revising reporting requirements relating to school
1678 district personnel evaluation systems; revising
1679 evaluation criteria and requirements; revising
1680 provisions relating to the measurement of student
1681 performance; deleting provisions relating to district
1682 bonus rewards for performance pay based on evaluation
1683 progress; repealing s. 1012.3401, F.S., relating to
1684 requirements for measuring student performance in
1685 instructional personnel and school administrator
1686 performance evaluations and performance evaluation of
1687 personnel for purposes of performance salary schedule;
1688 amending s. 1012.98, F.S.; revising provisions
1689 relating to personnel evaluation for purposes of
1690 professional development; providing effective dates.