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

A bill to be entitled

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



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1008.25, F.S.; revising requirements for a district school board's comprehensive student progression plan; removing references regarding local assessments; revising requirements regarding instruction and reassessment of students who exhibit a reading deficiency; amending s. 1008.30, F.S.; specifying alternative assessments that may be accepted by public postsecondary educational institutions in lieu of the common placement test; revising requirements for state board rules regarding common placement testing; authorizing, rather than requiring, high schools to perform specified college readiness evaluations; amending s. 1008.34, F.S.; adding references to school improvement ratings; amending s. 1012.34, F.S.; revising the percentage thresholds for performance evaluation criteria for instructional personnel and school administrators; authorizing use of peer reviews under the professional and job responsibilities component of the evaluation; specifying standards for the content and the administration of local assessments; specifying requirements for eligibility of salary adjustments for instructional personnel or school administrators; requiring the state board to adopt rules by a certain date; amending s. 1012.3401, F.S.; revising the formula for a classroom teacher's or school administrator's performance evaluation; authorizing a school district to request approval from the state board to use student performance results on new statewide assessments for diagnostic and baseline



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

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

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

1001.03 Specific powers of State Board of Education.-

- (18) PUBLICATION OF GRADE 3 RETENTION AND MIDYEAR PROMOTION AND HIGH SCHOOL GRADUATION REQUIREMENTS AND OPTIONS. - The State Board of Education shall adopt by rule:
- (a) A notification form that clearly identifies for parents and students the grade 3 retention and midyear promotion requirements, processes, and options, as well as the high school graduation requirements, processes, and options. The rule must require school districts to publish this notification form on their websites and include the form in annual student handbooks.
- (b) A requirement that school districts attach the notification form when providing student performance results to parents on statewide, standardized assessments administered



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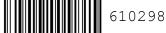
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pursuant to ss. 1002.69, 1003.56, and 1008.22.

Section 2. Paragraph (a) of subsection (3) and subsection (6) of section 1008.22, Florida Statutes, are amended to read: 1008.22 Student assessment program for public schools.-

- (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:
- (a) Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language



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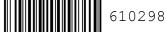
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Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10 11. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the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

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



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

- 1. Statewide assessments.
- 2. Other standardized assessments, including nationally recognized standardized assessments.
 - 3. Industry certification assessments.
- 4. District-developed or district-selected end-of-course assessments.
 - 5. Teacher-selected or principal-selected assessments.
- (c) Each district school board must adopt policies for selection, development, administration, and scoring of local assessments and for collection of assessment results. Local assessments implemented under subparagraphs (b) 4. and 5. may include a variety of assessment formats, including, but not limited to, project-based assessments, adjudicated performances, and practical application assignments. For all English Language Arts, mathematics, science, and social studies courses offered in the district that are used to meet graduation requirements under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are not otherwise assessed by statewide, standardized assessments, the district school board must select the assessments described in subparagraphs (b) 1.-4.
 - (d) The Commissioner of Education shall identify methods to



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

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



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

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

1008.25 Public school student progression; remedial instruction; reporting requirements.-

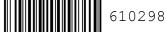
- (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must:
- (b) Identify the Provide specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on the statewide, standardized assessments required by s. 1008.22 as defined by the commissioner, below which a student, pursuant to subsection (4), must receive remediation or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.
- (3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:
 - (a) Students who are deficient in reading by the end of



231 grade 3.

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- (b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in paragraph (2)(b).
 - (4) ASSESSMENT AND REMEDIATION. -
- (a) Each student must participate in the statewide, standardized assessment program required by s. 1008.22. Each student who does not meet specific levels of performance on the required assessments as determined by the district school board or who scores below Level 3 on the statewide, standardized Reading assessment or, upon implementation, the English Language Arts assessment or on the statewide, standardized Mathematics assessments in grades 3 through 8 and the Algebra I EOC assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).
- (b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and mathematics shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:
- 1. A federally required student plan such as an individual education plan;



- 2. A schoolwide system of progress monitoring students; or
 - 2.3. An individualized progress monitoring plan.

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

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

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(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.-

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(a) Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, such as the statewide kindergarten screening administered under s.

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1002.69 and subsequent $\underline{\text{related reading readiness screening}}$ or



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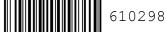
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through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher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

- (c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:
- 1. That his or her child has been identified as having a substantial deficiency in reading.
- 2. A description of the current services that are provided to the child.
- 3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
- 4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
- 5. Strategies for parents to use in helping their child succeed in reading proficiency.
- 6. That the statewide, standardized assessment required under s. 1008.22 for grade 3 Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district



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345 346 in knowing when a child is reading at or above grade level and ready for grade promotion.

- 7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school immediately begin collecting evidence for a portfolio.
- 8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.
 - (8) ANNUAL REPORT.-
- (a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

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

1008.30 Common placement testing for public postsecondary education.-



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- (1) The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Alternative assessments, such as the SAT, ACT, and other assessments identified by rule, that may be accepted in lieu of the common placement test shall also be identified in rule. Public postsecondary educational institutions shall provide appropriate modifications of the test instruments or test procedures for students with disabilities.
- (3) The State Board of Education shall adopt rules that authorize require high schools, at the request of a parent, to evaluate before the beginning of grade 12 the college readiness of a each student who scores Level 2 or Level 3 on grade 10 FCAT Reading or the English Language Arts assessment under s. 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the Algebra I assessment under s. 1008.22. High schools may shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an alternative test identified by the State Board of Education, such as the SAT, ACT, and other assessments identified by rule. The high school shall use the results of the test to advise the students of any identified deficiencies and to recommend provide 12th grade students , and require them to complete, appropriate postsecondary preparatory instruction before high school graduation as an option to 12th grade students. The curriculum provided under this subsection shall be identified in rule by the State Board of Education and encompass



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

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

1008.34 School grading system; school report cards; district grade.-

- (7) TRANSITION.-School grades pursuant to this section and school improvement ratings pursuant to s. 1008.341 for the 2013-2014 school year shall be calculated based on statutes and rules in effect on June 30, 2014. To assist in the transition to 2014-2015 school grades and school improvement ratings, calculated based on new statewide, standardized assessments administered pursuant to s. 1008.22, the 2014-2015 school grades and school improvement ratings shall serve as an informational baseline for schools to work toward improved performance in future years. Accordingly, notwithstanding any other provision of law:
- (a) A school may not be required to select and implement a turnaround option pursuant to s. 1008.33 in the 2015-2016 school year based on the school's 2014-2015 grade or school improvement rating under s. 1008.341, as applicable.
- (b) 1. A school or approved provider under s. 1002.45 that receives the same or a lower school grade or school improvement rating for the 2014-2015 school year compared to the 2013-2014 school year is not subject to sanctions or penalties that would otherwise occur as a result of the 2014-2015 school grade or



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

- 2. The Florida School Recognition Program established under s. 1008.36 shall continue to be implemented as otherwise provided in the General Appropriations Act.
- (c) For purposes of determining grade 3 retention pursuant to s. 1008.25(5) and high school graduation pursuant to s. 1003.4282, student performance on the 2014-2015 statewide, standardized assessments shall be linked to 2013-2014 student performance expectations.

This subsection is repealed July 1, 2017.

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

1012.34 Personnel evaluation procedures and criteria.-

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



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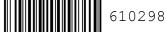
but are not limited to, the following:

- (a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:
- 1. Performance of students.—At least 33 $\frac{50}{9}$ percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments pursuant to subsection (7) as provided in s. 1008.22(6). Each school district must use the formula adopted pursuant to paragraph (7) (a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).
- a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth portion of the evaluation must include growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to



not less than 30 40 percent.

- b. For instructional personnel who are not classroom teachers, the student learning growth portion of the evaluation must include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years, or may include a combination of student learning growth data and other measurable student outcomes that are specific to the assigned position, provided that the student learning growth data accounts for not less than 30 percent of the evaluation. If less than 3 years of student growth data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 20 percent.
- c. For school administrators, the student learning growth portion of the evaluation must include growth data for students assigned to the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 30 40 percent.
- 2. Instructional practice.—At least 33 percent of a performance evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. Multiple observations must be used by administrative personnel to evaluate the performance of each classroom teacher. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon



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

- 3. Instructional leadership.—At least 30 percent of a performance evaluation for school administrators, evaluation criteria must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.
- 4. Professional and job responsibilities.—For instructional personnel and school administrators, no more than 33 percent of a performance evaluation must include other professional and job responsibilities must be included as adopted by the State Board of Education. The district school board may identify additional professional and job responsibilities. Peer reviews may be used for this component.
- (7) MEASUREMENT OF STUDENT LEARNING GROWTH; STATE AND LOCAL ASSESSMENTS.-
- (a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and

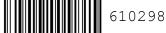


mathematics administered under s. 1008.22. The formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the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

- (b) For courses associated with the statewide, standardized assessments under s. 1008.22, each school district shall measure student learning growth using the formulas approved by the commissioner under paragraph (a) for courses associated with the statewide, standardized assessments administered under s. 1008.22 no later than the school year immediately following the year the formula is approved by the commissioner.
- (c) For grades and subjects not assessed by statewide, standardized assessments, but otherwise <u>locally</u> assessed <u>pursuant to paragraph (d)</u> as required under s. 1008.22(6), each school district shall measure performance of students using a methodology determined by the district. The department shall provide models for measuring performance of students which school districts may adopt. <u>However</u>, for a course that is not measured by a statewide, standardized assessment:



- 1.(c) For a course that is not measured by a statewide, standardized assessment, A school district may request, through the evaluation system approval process, to use a student's achievement level rather than student learning growth if achievement is demonstrated to be a more appropriate measure of classroom teacher performance. A school district may also request to use a combination of student learning growth and achievement, if appropriate.
- 2.(d) For a course that is not measured by a statewide, standardized assessment, A school district may request, through the evaluation system approval process, that the performance evaluation for the classroom teacher assigned to that course include the learning growth of his or her students on one or more statewide, standardized assessments. The request must clearly explain the rationale supporting the request.
- 3.(e) For purposes of this section and only for the 2014-2015 school year, a school district may use measurable learning targets on local assessments administered under paragraph (d) and s. 1008.22(6) to evaluate the performance of students portion of a classroom teacher's evaluation for courses that are not assessed by statewide, standardized assessments. Learning targets must be approved by the school principal. A district school superintendent may assign to instructional personnel in an instructional team the student learning growth of the instructional team's students on statewide assessments. This subparagraph paragraph expires July 1, 2015.
- (d)1. Pursuant to s. 1008.22(6), school districts are responsible for the measurement of student performance in all subjects and grade levels, except those subjects and grade



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

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



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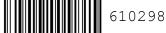
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1002.3105, s. 1003.4281, or s. 1003.4282 and which are not otherwise assessed by statewide, standardized assessments, the district school board must select the assessments described in sub-subparagraphs (d)1.a.-d. For an instructional personnel employee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

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



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

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

1012.3401 Requirements for measuring student performance in instructional personnel and school administrator performance evaluations; performance evaluation of personnel for purposes of performance salary schedule. - Notwithstanding any provision to the contrary in ss. 1012.22 and 1012.34 regarding the performance salary schedule and personnel evaluation procedures and criteria:

- (1) At least 33 50 percent of a classroom teacher's or school administrator's performance evaluation, or 40 percent if less than 3 years of student performance data are available, shall be based upon learning growth or achievement of the teacher's students or, for a school administrator, the students attending that school; the remaining portion shall be based upon factors identified in district-determined, state-approved evaluation system plans. Student achievement measures for courses associated with statewide assessments may be used only if a statewide growth formula has not been approved for that assessment or, for courses associated with school district assessments, if achievement is demonstrated to be a more appropriate measure of teacher performance.
- (2) The student performance data used in the performance evaluation of nonclassroom instructional personnel shall be based on student outcome data that reflects the actual contribution of such personnel to the performance of the students assigned to the individual in the individual's areas of



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

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

- (1) A school district's request must be submitted to the Commissioner of Education by the school district superintendent, during the period from the last day of administration of statewide, standardized assessments through June 5, 2015, in accordance with the guidelines established by the commissioner. At a minimum, the request, must include identification of:
- (a) The scope of the request, to apply either to the school district or to a school or certain schools within the school district. The request must be made at a district or school level. The request may not be made at a grade level, a subjectarea level, or another level.
- (b) The reason for the request, including a description of the systemic or unique technical implementation failure.



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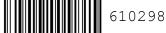
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Quantifiable data substantiating the reason for such failure must accompany the request. A school district's inability to assess the minimum percentage of students pursuant to ss. 1008.34 and 1008.341, Florida Statutes, does not constitute a reasonable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

- (c) The school district's corrective action plan, which has been adopted by the district school board, and certification that the identified technical implementation failure must be resolved in time for successful administration of the statewide, standardized assessments during the 2015-2016 school year and each school year thereafter. The district must identify how the district plans to allocate resources and technical assistance that the district needs from the Department of Education to facilitate the district's successful resolution of technical deficiencies.
- (d) The school district's plan for using the diagnostic data to facilitate continuous improvement in student performance and the effectiveness of schools, instructional personnel, and school administrators; public reporting on the performance of students, schools, and the district; and informing parents about instruction associated with remediation and retention and options available to students including acceleration, graduation, and school choice. The district must also describe its plans for implementing student progression plans, performance evaluations of instructional personnel and school administrators, performance salary schedule requirements, and other uses as identified by the commissioner.
 - (2) The commissioner shall review each request for a waiver



- and consult with the applicable school district superintendent. The commissioner shall make, and provide reasons for, recommendations to the State Board of Education regarding granting or denying a request for waiver. The state board may consider recommendations made by the commissioner to approve or deny school district requests. Notwithstanding any other provision of law, the commissioner's recommendation to approve a request may, after consultation with the school district superintendent, include conditional requirements that must apply if approved by the state board. The decision of the state board, including any modifications adopted by the state board, is final.
 - (3) For only the 2014-2015 school year, if a waiver is granted under this section:
 - (a) A school or a school district may not receive a school grade, school improvement rating, or school district grade, as applicable.
 - (b) A school may, at the school district's discretion, choose to use new statewide, standardized assessment results in performance evaluations of instructional personnel and school administrators.
- (c) A school district shall continue to have its student performance results included in the statewide, standardized assessment results published by the department pursuant to s. 1008.22, Florida Statutes.
- (d) A school shall forfeit eligibility to earn school recognition funds pursuant to s. 1008.36, Florida Statutes, as provided in the General Appropriations Act.
 - (e) A school district shall forfeit the district's



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

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This section expires July 1, 2016.

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

1003.4282 Requirements for a standard high school diploma.-

- (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-
- (a) Each year a student scores Level 1 or Level 2 on the statewide, standardized grade 9 or grade 10 Reading assessment or, when implemented, the grade 9 or, grade 10, or grade 11 ELA assessment, the student may, as an option to the student, enroll must be enrolled in and complete an intensive remedial course the following year or be placed in a content area course that includes remediation of skills not acquired by the student.

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

1003.4285 Standard high school diploma designations .-

- (1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:
- (a) Scholar designation.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:
- 1. English Language Arts (ELA). Beginning with students entering grade 9 in the 2014-2015 school year, pass the statewide, standardized grade 11 ELA assessment.
 - 2. Mathematics.—Earn one credit in Algebra II and one



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

- 2.3. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.
- 3.4. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.
- 4.5. Foreign language. Earn two credits in the same foreign language.
- 5.6. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.



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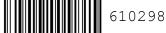
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Section 11. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

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

- (1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:
 - (c) Compensation and salary schedules.-
 - 1. Definitions.—As used in this paragraph, the term:
- a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s. 121.021(22).
- b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.
- c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.
- d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.
- e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.
- f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).
 - g. "Supplement" means an annual addition to the base salary



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

- 2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:
- a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.
- b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.
- 3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.
 - 4. Grandfathered salary schedule.-
- a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service



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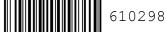
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contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

- b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.
- 5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose. However, a classroom teacher whose performance evaluation uses utilizes student learning growth measures established under s. $1012.34(7)(c)3. \frac{s. 1012.34(7)(c)}{s}$ shall remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is a statewide, standardized assessment or district-required local an assessment or the school district establishes equally appropriate measures of student learning growth as defined under



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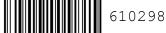
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- s. 1012.34 and rules of the State Board of Education.
- a. Base salary.—The base salary shall be established as follows:
- (I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.
- (II) Beginning July 1, 2014, instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule.
- b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:
- (I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.
- (II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.
- (III) The performance salary schedule shall not provide an annual salary adjustment for an employee who receives a rating



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other than highly effective or effective for the year.

- c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:
 - (I) Assignment to a Title I eligible school.
- (II) Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.
- (III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.
 - (IV) Assignment of additional academic responsibilities.

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

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