



1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1001.42, F.S.; revising a requirement for the
4 uniform opening date of public schools; amending s.
5 1002.20, F.S.; revising provisions relating to reading
6 instruction to conform to changes made by the act;
7 amending ss. 1003.4156 and 1003.4282, F.S.; deleting
8 provisions relating to remediation for certain middle
9 grades and high school students, respectively;
10 amending s. 1003.4285, F.S.; revising requirements for
11 the scholar designation on standard high school
12 diplomas; amending s. 1003.621, F.S.; requiring that
13 academically high-performing school districts comply
14 with provisions relating to the uniform opening date
15 of public schools; amending s. 1008.22, F.S.; revising
16 the purpose of the student assessment program to
17 include providing instructional personnel with certain
18 information when available; revising the grade levels
19 of students who must take the statewide, standardized
20 English Language Arts assessment; revising provisions
21 relating to end-of-course assessments; requiring that
22 all students enrolled in certain courses take the
23 statewide, standardized end-of-course assessment
24 associated with the course; prohibiting students who
25 take an end-of-course assessment for a course from
26 taking other specified assessments; requiring



27 computer-based testing for certain assessments during
28 specified school years; requiring that paper-based
29 accommodations be made available for certain students;
30 providing for use of certain assessment results for
31 students; requiring that a student's performance
32 results on certain assessments be provided to the
33 student's teachers and parents within a specified time
34 after administration of the assessments; providing for
35 liquidated damages; revising provisions relating to
36 local assessments administered by school districts;
37 requiring that certain information relating to student
38 achievement be provided to instructional personnel
39 when available; requiring that all end-of-course
40 assessment results be reported annually by a specified
41 date; providing an exemption for the 2014-2015 school
42 year; requiring the Commissioner of Education to
43 annually publish a uniform calendar for assessment and
44 reporting on the Department of Education's website;
45 requiring each school district to establish assessment
46 schedules, approve such schedules at a district school
47 board meeting, and publish such schedules on the
48 district's website; requiring each public school to
49 publish such schedules on the school's website;
50 providing that certain assessments replace final
51 assessments in certain courses; requiring teachers and
52 parents to be provided with results of district-



53 required local assessments in a timely manner;
54 requiring rulemaking relating to the uniform calendar;
55 amending s. 1008.24, F.S.; authorizing a school
56 district to use district employees to administer and
57 proctor specified assessments; providing minimum
58 requirements for State Board of Education rules
59 regarding the training of such employees; amending s.
60 1008.25, F.S.; deleting requirements for the
61 comprehensive student progression plan; requiring each
62 district school board to adopt criteria for student
63 grade-level progression; revising provisions relating
64 to support for certain students and student promotion
65 from grade 3 to grade 4; requiring that certain
66 information relating to student achievement be
67 provided to instructional personnel when available;
68 providing for intensive instruction for certain
69 students; revising reporting requirements; amending s.
70 1008.30, F.S.; deleting a requirement for certain
71 students to be evaluated for college readiness;
72 amending s. 1008.34, F.S.; adding references to school
73 improvement ratings to provisions regarding the school
74 grading system; specifying applicability of certain
75 accountability measures to schools using turnaround
76 options; requiring that students who score in the
77 bottom quintile on the 2014-2015 grade 3 English
78 Language Arts assessment be identified as students at



79 risk of retention; requiring that each school district
80 notify such students' parents, provide evidence, and
81 provide intervention and support services; requiring
82 an independent verification of the psychometric
83 validity of statewide, standardized assessments before
84 school grades results may be published and before
85 student performance data may be used for purposes of
86 instructional personnel and school administrator
87 evaluations; requiring that a panel select an
88 independent entity based on criteria; requiring that
89 the Department of Education contract with the entity;
90 providing for future repeal; amending s. 1012.34,
91 F.S.; revising reporting requirements relating to
92 school district personnel evaluation systems; revising
93 evaluation criteria and requirements; revising
94 provisions relating to the measurement of student
95 performance; deleting provisions relating to district
96 bonus rewards for performance pay based on evaluation
97 progress; repealing s. 1012.3401, F.S., relating to
98 requirements for measuring student performance in
99 instructional personnel and school administrator
100 performance evaluations and performance evaluation of
101 personnel for purposes of performance salary schedule;
102 amending s. 1012.98, F.S.; revising provisions
103 relating to personnel evaluation for purposes of
104 professional development; providing an effective date.



105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130

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

Section 1. Paragraph (f) of subsection (4) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) *Opening and closing of schools; fixing uniform date.*—Adopt policies for the opening and closing of schools and fix uniform dates; however, ~~beginning with the 2007-2008 school year,~~ the opening date for schools in the district may not be earlier than August 10 of 14 days before Labor Day each year.

Section 2. 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 rights including, but not limited to, the following:

(11) STUDENTS WITH READING DEFICIENCIES.—~~Each elementary~~



CS/HB 7069, Engrossed 2

2015

131 ~~school shall regularly assess the reading ability of each K-3~~
132 ~~student.~~ The parent of any K-3 student who exhibits a reading
133 deficiency shall be immediately notified of the student's
134 deficiency with a description and explanation, in terms
135 understandable to the parent, of the exact nature of the
136 student's difficulty in learning and lack of achievement in
137 reading; shall be consulted in the development of a ~~progress~~
138 ~~monitoring~~ plan, as described in s. 1008.25(4)(b); and shall be
139 informed that the student will be given intensive reading
140 instruction until the deficiency is corrected. This subsection
141 operates in addition to the remediation and notification
142 provisions contained in s. 1008.25 and in no way reduces the
143 rights of a parent or the responsibilities of a school district
144 under that section.

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

147 1003.4156 General requirements for middle grades
148 promotion.—

149 ~~(2) If a middle grades student scores Level 1 or Level 2~~
150 ~~on the statewide, standardized Reading assessment or, when~~
151 ~~implemented, the English Language Arts (ELA) assessment, the~~
152 ~~following year the student must enroll in and complete a~~
153 ~~remedial course or a content area course in which remediation~~
154 ~~strategies are incorporated into course content delivery. The~~
155 ~~department shall provide guidance on appropriate strategies for~~
156 ~~diagnosing and meeting the varying instructional needs of~~



157 ~~students performing below grade level.~~

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

162 Section 4. Subsection (5) of section 1003.4282, Florida
163 Statutes, is amended to read:

164 1003.4282 Requirements for a standard high school
165 diploma.—

166 ~~(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—~~

167 ~~(a) Each year a student scores Level 1 or Level 2 on the~~
168 ~~statewide, standardized grade 9 or grade 10 Reading assessment~~
169 ~~or, when implemented, the grade 9, grade 10, or grade 11 ELA~~
170 ~~assessment, the student must be enrolled in and complete an~~
171 ~~intensive remedial course the following year or be placed in a~~
172 ~~content area course that includes remediation of skills not~~
173 ~~acquired by the student.~~

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

179 Section 5. Paragraph (a) of subsection (1) of section
180 1003.4285, Florida Statutes, is amended to read:

181 1003.4285 Standard high school diploma designations.—

182 (1) Each standard high school diploma shall include, as



183 applicable, the following designations if the student meets the
184 criteria set forth for the designation:

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

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

191 1.2. Mathematics.—Earn one credit in Algebra II and one
192 credit in statistics or an equally rigorous course. Beginning
193 with students entering grade 9 in the 2014-2015 school year,
194 pass the Algebra II and Geometry statewide, standardized
195 assessments.

196 ~~2.3.~~ Science.—Pass the statewide, standardized Biology I
197 EOC assessment and earn one credit in chemistry or physics and
198 one credit in a course equally rigorous to chemistry or physics.
199 However, a student enrolled in an Advanced Placement (AP),
200 International Baccalaureate (IB), or Advanced International
201 Certificate of Education (AICE) Biology course who takes the
202 respective AP, IB, or AICE Biology assessment and earns the
203 minimum score necessary to earn college credit as identified
204 pursuant to s. 1007.27(2) meets the requirement of this
205 subparagraph without having to take the statewide, standardized
206 Biology I EOC assessment.

207 3.4. Social studies.—Pass the statewide, standardized
208 United States History EOC assessment. However, a student



209 enrolled in an AP, IB, or AICE course that includes United
210 States History topics who takes the respective AP, IB, or AICE
211 assessment and earns the minimum score necessary to earn college
212 credit as identified pursuant to s. 1007.27(2) meets the
213 requirement of this subparagraph without having to take the
214 statewide, standardized United States History EOC assessment.

215 ~~4.5.~~ Foreign language.—Earn two credits in the same
216 foreign language.

217 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
218 Placement, an International Baccalaureate, an Advanced
219 International Certificate of Education, or a dual enrollment
220 course.

221 Section 6. Paragraph (k) of subsection (2) of section
222 1003.621, Florida Statutes, is redesignated as paragraph (l),
223 and a new paragraph (k) is added to that subsection, to read:

224 1003.621 Academically high-performing school districts.—It
225 is the intent of the Legislature to recognize and reward school
226 districts that demonstrate the ability to consistently maintain
227 or improve their high-performing status. The purpose of this
228 section is to provide high-performing school districts with
229 flexibility in meeting the specific requirements in statute and
230 rules of the State Board of Education.

231 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
232 high-performing school district shall comply with all of the
233 provisions in chapters 1000-1013, and rules of the State Board
234 of Education which implement these provisions, pertaining to the



235 following:

236 (k) Section 1001.42(4)(f), relating to the uniform opening
237 date of public schools.

238 Section 7. Subsections (1), (3), (4), and (6) of section
239 1008.22, Florida Statutes, are amended, subsections (7) through
240 (11) are redesignated as subsections (8) through (12),
241 respectively, and a new subsection (7) is added to that section,
242 to read:

243 1008.22 Student assessment program for public schools.—

244 (1) PURPOSE.—The primary purpose of the student assessment
245 program is to provide student academic achievement and learning
246 gains data to students, parents, teachers, school
247 administrators, and school district staff. This data is to be
248 used by districts to improve instruction; by students, parents,
249 and teachers to guide learning objectives; by education
250 researchers to assess national and international education
251 comparison data; and by the public to assess the cost benefit of
252 the expenditure of taxpayer dollars. The program must be
253 designed to:

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

257 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
258 Commissioner of Education shall design and implement a
259 statewide, standardized assessment program aligned to the core
260 curricular content established in the Next Generation Sunshine



261 State Standards. The commissioner also must develop or select
262 and implement a common battery of assessment tools that will be
263 used in all juvenile justice education programs in the state.
264 These tools must accurately measure the core curricular content
265 established in the Next Generation Sunshine State Standards.
266 Participation in the assessment program is mandatory for all
267 school districts and all students attending public schools,
268 including adult students seeking a standard high school diploma
269 under s. 1003.4282 and students in Department of Juvenile
270 Justice education programs, except as otherwise provided by law.
271 If a student does not participate in the assessment program, the
272 school district must notify the student's parent and provide the
273 parent with information regarding the implications of such
274 nonparticipation. The statewide, standardized assessment program
275 shall be designed and implemented as follows:

276 (a) *Statewide, standardized comprehensive assessments.*—The
277 statewide, standardized Reading assessment shall be administered
278 annually in grades 3 through 10. The statewide, standardized
279 Writing assessment shall be administered annually at least once
280 at the elementary, middle, and high school levels. When the
281 Reading and Writing assessments are replaced by English Language
282 Arts (ELA) assessments, ELA assessments shall be administered to
283 students in grades 3 through 10 ~~11~~. Retake opportunities for the
284 grade 10 Reading assessment or, upon implementation, the grade
285 10 ELA assessment must be provided. Students taking the ELA
286 assessments shall not take the statewide, standardized



287 assessments in Reading or Writing. ELA assessments shall be
288 administered online. The statewide, standardized Mathematics
289 assessments shall be administered annually in grades 3 through
290 8. Students taking a revised Mathematics assessment shall not
291 take the discontinued assessment. The statewide, standardized
292 Science assessment shall be administered annually at least once
293 at the elementary and middle grades levels. In order to earn a
294 standard high school diploma, a student who has not earned a
295 passing score on the grade 10 Reading assessment or, upon
296 implementation, the grade 10 ELA assessment must earn a passing
297 score on the assessment retake or earn a concordant score as
298 authorized under subsection (8) ~~(7)~~.

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

302 1. EOC assessments for Algebra I, Geometry, Algebra II,
303 Biology I, United States History, and Civics shall be
304 administered to students enrolled in such courses as specified
305 in the course code directory ~~Statewide, standardized EOC~~
306 ~~assessments in mathematics shall be administered according to~~
307 ~~this subparagraph. Beginning with the 2010-2011 school year, all~~
308 ~~students enrolled in Algebra I must take the Algebra I EOC~~
309 ~~assessment. Except as otherwise provided in paragraph (c),~~
310 ~~beginning with students entering grade 9 in the 2011-2012 school~~
311 ~~year, a student who is enrolled in Algebra I must earn a passing~~
312 ~~score on the Algebra I EOC assessment or attain a comparative~~



313 ~~score as authorized under subsection (8) in order to earn a~~
314 ~~standard high school diploma. In order to earn a standard high~~
315 ~~school diploma, a student who has not earned a passing score on~~
316 ~~the Algebra I EOC assessment must earn a passing score on the~~
317 ~~assessment retake or a comparative score as authorized under~~
318 ~~subsection (8). Beginning with the 2011-2012 school year, all~~
319 ~~students enrolled in Geometry must take the Geometry EOC~~
320 ~~assessment. Middle grades students enrolled in Algebra I,~~
321 ~~Geometry, or Biology I must take the statewide, standardized EOC~~
322 ~~assessment for those courses and shall not take the~~
323 ~~corresponding subject and grade-level statewide, standardized~~
324 ~~assessment. When a statewide, standardized EOC assessment in~~
325 ~~Algebra II is administered, all students enrolled in Algebra II~~
326 ~~must take the EOC assessment. Pursuant to the commissioner's~~
327 ~~implementation schedule, student performance on the Algebra II~~
328 ~~EOC assessment constitutes 30 percent of a student's final~~
329 ~~course grade.~~

330 ~~2. Statewide, standardized EOC assessments in science~~
331 ~~shall be administered according to this subparagraph. Beginning~~
332 ~~with the 2011-2012 school year, all students enrolled in Biology~~
333 ~~I must take the Biology I EOC assessment. Beginning with~~
334 ~~students entering grade 9 in the 2013-2014 school year,~~
335 ~~performance on the Biology I EOC assessment constitutes 30~~
336 ~~percent of the student's final course grade.~~

337 ~~2.3. Students enrolled in a course, as specified in the~~
338 ~~course code directory, with an associated statewide,~~



339 standardized EOC assessment must take the EOC assessment for
340 such course and may not take the corresponding subject or grade-
341 level statewide, standardized assessment pursuant to paragraph
342 (a). Sections 1003.4156 and 1003.4282 govern the use of
343 statewide, standardized EOC assessment results for students
344 ~~Beginning with the 2013-2014 school year, each student's~~
345 ~~performance on the statewide, standardized middle grades Civics~~
346 ~~EOC assessment constitutes 30 percent of the student's final~~
347 ~~course grade in civics education.~~

348 3.4. The commissioner may select one or more nationally
349 developed comprehensive examinations, which may include
350 examinations for a College Board Advanced Placement course,
351 International Baccalaureate course, or Advanced International
352 Certificate of Education course, or industry-approved
353 examinations to earn national industry certifications identified
354 in the Industry Certification Funding List, for use as EOC
355 assessments under this paragraph if the commissioner determines
356 that the content knowledge and skills assessed by the
357 examinations meet or exceed the grade-level expectations for the
358 core curricular content established for the course in the Next
359 Generation Sunshine State Standards. Use of any such examination
360 as an EOC assessment must be approved by the state board in
361 rule.

362 4.5. Contingent upon funding provided in the General
363 Appropriations Act, including the appropriation of funds
364 received through federal grants, the commissioner may establish



365 an implementation schedule for the development and
366 administration of additional statewide, standardized EOC
367 assessments that must be approved by the state board in rule. If
368 approved by the state board, student performance on such
369 assessments constitutes 30 percent of a student's final course
370 grade.

371 ~~5.6.~~ All statewide, standardized EOC assessments must be
372 administered online except as otherwise provided in paragraph
373 (c).

374 (c) *Students with disabilities; Florida Alternate*
375 *Assessment.*—

376 1. Each district school board must provide instruction to
377 prepare students with disabilities in the core content knowledge
378 and skills necessary for successful grade-to-grade progression
379 and high school graduation.

380 2. A student with a disability, as defined in s. 1007.02,
381 for whom the individual education plan (IEP) team determines
382 that the statewide, standardized assessments under this section
383 cannot accurately measure the student's abilities, taking into
384 consideration all allowable accommodations, shall have
385 assessment results waived for the purpose of receiving a course
386 grade and a standard high school diploma. Such waiver shall be
387 designated on the student's transcript. The statement of waiver
388 shall be limited to a statement that performance on an
389 assessment was waived for the purpose of receiving a course
390 grade or a standard high school diploma, as applicable.



391 3. The State Board of Education shall adopt rules, based
392 upon recommendations of the commissioner, for the provision of
393 assessment accommodations for students with disabilities and for
394 students who have limited English proficiency.

395 a. Accommodations that negate the validity of a statewide,
396 standardized assessment are not allowed during the
397 administration of the assessment. However, instructional
398 accommodations are allowed in the classroom if identified in a
399 student's IEP. Students using instructional accommodations in
400 the classroom that are not allowed on a statewide, standardized
401 assessment may have assessment results waived if the IEP team
402 determines that the assessment cannot accurately measure the
403 student's abilities.

404 b. If a student is provided with instructional
405 accommodations in the classroom that are not allowed as
406 accommodations for statewide, standardized assessments, the
407 district must inform the parent in writing and provide the
408 parent with information regarding the impact on the student's
409 ability to meet expected performance levels. A parent must
410 provide signed consent for a student to receive classroom
411 instructional accommodations that would not be available or
412 permitted on a statewide, standardized assessment and
413 acknowledge in writing that he or she understands the
414 implications of such instructional accommodations.

415 c. If a student's IEP states that online administration of
416 a statewide, standardized assessment will significantly impair



417 the student's ability to perform, the assessment shall be
418 administered in hard copy.

419 4. For students with significant cognitive disabilities,
420 the Department of Education shall provide for implementation of
421 the Florida Alternate Assessment to accurately measure the core
422 curricular content established in the Next Generation Sunshine
423 State Standards.

424 (d) *Implementation schedule.*—

425 1. The Commissioner of Education shall establish and
426 publish on the department's website an implementation schedule
427 to transition from the statewide, standardized Reading and
428 Writing assessments to the ELA assessments and to the revised
429 Mathematics assessments, including the Algebra I and Geometry
430 EOC assessments. The schedule must take into consideration
431 funding, sufficient field and baseline data, access to
432 assessments, instructional alignment, and school district
433 readiness to administer the assessments online. All such
434 assessments must be delivered through computer-based testing,
435 however, the following assessments must be delivered in a
436 computer-based format, as follows: the grade 3 ELA assessment,
437 beginning in the 2017-2018 school year; the grade 3 mathematics
438 assessment beginning in the 2016-2017 school year; the grade 4
439 ELA assessment, beginning in the 2015-2016 school year; and the
440 grade 4 mathematics assessment, beginning in the 2016-2017
441 school year.

442 2. The Department of Education shall publish minimum and



443 recommended technology requirements that include specifications
444 for hardware, software, networking, security, and broadband
445 capacity to facilitate school district compliance with the
446 requirement that assessments be administered online.

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

448 1. All statewide, standardized EOC assessments and ELA,
449 mathematics ~~Reading, Writing,~~ and Science assessments shall use
450 scaled scores and achievement levels. Achievement levels shall
451 range from 1 through 5, with level 1 being the lowest
452 achievement level, level 5 being the highest achievement level,
453 and level 3 indicating satisfactory performance on an
454 assessment. ~~For purposes of the statewide, standardized Writing~~
455 ~~assessment, student achievement shall be scored using a scale of~~
456 ~~1 through 6.~~

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

459 3. If the commissioner seeks to revise a statewide,
460 standardized assessment and the revisions require the state
461 board to modify performance level scores, including the passing
462 score, the commissioner shall provide a copy of the proposed
463 scores and implementation plan to the President of the Senate
464 and the Speaker of the House of Representatives at least 90 days
465 before submission to the state board for review. Until the state
466 board adopts the modifications by rule, the commissioner shall
467 use calculations for scoring the assessment that adjust student
468 scores on the revised assessment for statistical equivalence to



469 student scores on the former assessment. The state board shall
470 adopt by rule the passing score for the revised assessment that
471 is statistically equivalent to the passing score on the
472 discontinued assessment for a student who is required to attain
473 a passing score on the discontinued assessment. The commissioner
474 may, with approval of the state board, discontinue
475 administration of the former assessment upon the graduation,
476 based on normal student progression, of students participating
477 in the final regular administration of the former assessment. If
478 the commissioner revises a statewide, standardized assessment
479 and the revisions require the state board to modify the passing
480 score, only students taking the assessment for the first time
481 after the rule is adopted are affected.

482 ~~(f) Assessment schedules and reporting of results. The~~
483 ~~Commissioner of Education shall establish schedules for the~~
484 ~~administration of assessments and the reporting of student~~
485 ~~assessment results. The commissioner shall consider the~~
486 ~~observance of religious and school holidays when developing the~~
487 ~~schedule. By August 1 of each year, the commissioner shall~~
488 ~~notify each school district in writing and publish on the~~
489 ~~department's website the assessment and reporting schedules for,~~
490 ~~at a minimum, the school year following the upcoming school~~
491 ~~year. The assessment and reporting schedules must provide the~~
492 ~~earliest possible reporting of student assessment results to the~~
493 ~~school districts. Assessment results for the statewide,~~
494 ~~standardized Reading assessments, or upon implementation the ELA~~



495 ~~assessments, and Mathematics assessments, including the EOC~~
496 ~~assessments in Algebra I and Geometry, must be made available no~~
497 ~~later than the week of June 8. The administration of the~~
498 ~~statewide, standardized Writing assessment and the Florida~~
499 ~~Alternate Assessment may be no earlier than the week of March 1.~~
500 ~~School districts shall administer assessments in accordance with~~
501 ~~the schedule established by the commissioner.~~

502 (f) ~~(g)~~ *Prohibited activities.*—A district school board
503 shall prohibit each public school from suspending a regular
504 program of curricula for purposes of administering practice
505 assessments or engaging in other assessment-preparation
506 activities for a statewide, standardized assessment. However, a
507 district school board may authorize a public school to engage in
508 the following assessment-preparation activities:

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

511 2. Providing individualized instruction in assessment-
512 taking strategies, without suspending the school's regular
513 program of curricula, for a student who scores Level 1 or Level
514 2 on a prior administration of an assessment.

515 3. Providing individualized instruction in the content
516 knowledge and skills assessed, without suspending the school's
517 regular program of curricula, for a student who scores Level 1
518 or Level 2 on a prior administration of an assessment or a
519 student who, through a diagnostic assessment administered by the
520 school district, is identified as having a deficiency in the



521 content knowledge and skills assessed.

522 4. Administering a practice assessment or engaging in
523 other assessment-preparation activities that are determined
524 necessary to familiarize students with the organization of the
525 assessment, the format of assessment items, and the assessment
526 directions or that are otherwise necessary for the valid and
527 reliable administration of the assessment, as set forth in rules
528 adopted by the State Board of Education with specific reference
529 to this paragraph.

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

531 1. The commissioner shall provide for the assessments to
532 be developed or obtained, as appropriate, through contracts and
533 project agreements with private vendors, public vendors, public
534 agencies, postsecondary educational institutions, or school
535 districts. The commissioner may enter into contracts for the
536 continued administration of the assessments authorized and
537 funded by the Legislature. Contracts may be initiated in 1
538 fiscal year and continue into the next fiscal year and may be
539 paid from the appropriations of either or both fiscal years. The
540 commissioner may negotiate for the sale or lease of tests,
541 scoring protocols, test scoring services, and related materials
542 developed pursuant to law.

543 2. A student's performance results on statewide,
544 standardized assessments, EOC assessments, and Florida
545 Alternative Assessments administered pursuant to this subsection
546 must be provided to the student's teachers and parents by the



547 end of the school year, unless the commissioner determines that
548 extenuating circumstances exist and reports the extenuating
549 circumstances to the State Board of Education. This subparagraph
550 does not apply to existing contracts for such assessments, but
551 shall apply to new contracts and any renewal of existing
552 contracts for such assessments.

553 3. If liquidated damages are applicable, the department
554 shall collect liquidated damages that are due in response to the
555 administration of the spring 2015 computer-based assessments of
556 the department's Florida Standards Assessment contract with
557 American Institutes for Research, and expend the funds to
558 reimburse parties that incurred damages.

559 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED
560 ASSESSMENT PROGRAM PROGRAMS.—Each public school shall
561 participate in the statewide, standardized assessment program in
562 accordance with the assessment and reporting schedules and the
563 minimum and recommended technology requirements published by the
564 Commissioner of Education. District school boards shall not
565 establish school calendars that conflict with or jeopardize
566 implementation of the assessment program. All district school
567 boards shall report assessment results using ~~as required by~~ the
568 state management information system. Performance data shall be
569 analyzed and reported to parents, the community, and the state.
570 Student performance data shall be used by districts in
571 developing objectives for the school improvement plan,
572 evaluating instructional personnel and administrative personnel,



573 assigning staff, allocating resources, acquiring instructional
574 materials and technology, implementing performance-based
575 budgeting, and promoting and assigning students to educational
576 programs. The analysis of student performance data must also
577 identify strengths and needs in the educational program and
578 trends over time. The analysis must be used in conjunction with
579 the budgetary planning processes developed pursuant to s.
580 1008.385 and the development of remediation programs.

581 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
582 STANDARDS ASSESSMENTS.—

583 (a) Measurement of student performance is the
584 responsibility of school districts in all subjects and grade
585 levels, except in those subjects and grade levels measured under
586 the statewide, standardized assessment program described in this
587 section, is the responsibility of the school districts. When
588 available, instructional personnel must be provided with
589 information on student achievement of standards and benchmarks
590 in order to improve instruction.

591 ~~(b) Except for those subjects and grade levels measured~~
592 ~~under the statewide, standardized assessment program, beginning~~
593 ~~with the 2014-2015 school year, each school district shall~~
594 ~~administer for each course offered in the district a local~~
595 ~~assessment that measures student mastery of course content at~~
596 ~~the necessary level of rigor for the course. As adopted pursuant~~
597 ~~to State Board of Education rule, course content is set forth in~~
598 ~~the state standards required by s. 1003.41 and in the course~~



599 ~~description. Local assessments may include:~~
600 ~~1. Statewide assessments.~~
601 ~~2. Other standardized assessments, including nationally~~
602 ~~recognized standardized assessments.~~
603 ~~3. Industry certification assessments.~~
604 ~~4. District-developed or district-selected end-of-course~~
605 ~~assessments.~~
606 ~~5. Teacher-selected or principal-selected assessments.~~
607 ~~(c) Each district school board must adopt policies for~~
608 ~~selection, development, administration, and scoring of local~~
609 ~~assessments and for collection of assessment results. Local~~
610 ~~assessments implemented under subparagraphs (b)4. and 5. may~~
611 ~~include a variety of assessment formats, including, but not~~
612 ~~limited to, project-based assessments, adjudicated performances,~~
613 ~~and practical application assignments. For all English Language~~
614 ~~Arts, mathematics, science, and social studies courses offered~~
615 ~~in the district that are used to meet graduation requirements~~
616 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
617 ~~not otherwise assessed by statewide, standardized assessments,~~
618 ~~the district school board must select the assessments described~~
619 ~~in subparagraphs (b)1.-4.~~
620 (b)(d) The Commissioner of Education shall identify
621 ~~methods to~~ assist and support districts in measuring student
622 performance on the state standards by maintaining a statewide
623 ~~the development and acquisition of assessments required under~~
624 ~~this subsection. Methods may include developing item bank banks,~~



625 facilitating the sharing of developed tests or test items among
626 school districts, ~~acquiring assessments from state and national~~
627 ~~curriculum area organizations,~~ and providing technical
628 assistance in best assessment professional practices. The
629 commissioner may discontinue the item bank if he or she
630 determines that district participation is insufficient for its
631 sustainability of test development based upon state-adopted
632 curriculum standards, administration, and security.

633 ~~(c) Each school district shall establish schedules for the~~
634 ~~administration of any district-mandated assessment and approve~~
635 ~~the schedules as an agenda item at a district school board~~
636 ~~meeting. The school district shall publish the testing schedules~~
637 ~~on its website, clearly specifying the district-mandated~~
638 ~~assessments, and report the schedules to the Department of~~
639 ~~Education by October 1 of each year.~~

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

641 (a) The Commissioner of Education shall establish
642 schedules for the administration of statewide, standardized
643 assessments and the reporting of student assessment results. The
644 commissioner shall consider the observance of religious and
645 school holidays when developing the schedules. The assessment
646 and reporting schedules must provide the earliest possible
647 reporting of student assessment results to the school districts,
648 consistent with the requirements of paragraph (3) (g). Assessment
649 results for the statewide, standardized ELA and mathematics
650 assessments and all statewide, standardized EOC assessments must



651 be made available no later than the week of June 8, except for
652 results of assessments administered in the 2014-2015 school
653 year. School districts shall administer statewide, standardized
654 assessments in accordance with the schedule established by the
655 commissioner.

656 (b) By August of each year, beginning in 2016, the
657 commissioner shall publish on the department's website a uniform
658 calendar that includes the assessment and reporting schedules
659 for, at a minimum, the next 2 school years. The uniform calendar
660 must be provided to school districts in an electronic format
661 that allows each school district and public school to populate
662 the calendar with, at minimum, the following information for
663 reporting the district assessment schedules under paragraph (c):

664 1. Whether the assessment is a district-required
665 assessment or a state-required assessment.

666 2. The specific date or dates that each assessment will be
667 administered.

668 3. The time allotted to administer each assessment.

669 4. Whether the assessment is a computer-based assessment
670 or a paper-based assessment.

671 5. The grade level or subject area associated with the
672 assessment.

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

675 7. The type of assessment, the purpose of the assessment,
676 and the use of the assessment results.



677 8. A glossary of assessment terminology.

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

680 (c) Each school district shall establish schedules for the
681 administration of any statewide, standardized assessments and
682 district-required assessments and approve the schedules as an
683 agenda item at a district school board meeting. Each school
684 district shall publish the testing schedules on its website
685 using the uniform calendar, including all information required
686 under paragraph (b), and submit the schedules to the Department
687 of Education by October 1 of each year. Each public school shall
688 publish schedules for statewide, standardized assessments and
689 district-required assessments on its website using the uniform
690 calendar, including all information required under paragraph
691 (b). The uniform calendar must be included in the parent guide
692 required by s. 1002.23(5).

693 (d) A school district may not schedule more than 5 percent
694 of a student's total school hours in a school year to administer
695 statewide, standardized assessments and district-required local
696 assessments. The district must secure written consent from a
697 student's parent before administering district-required local
698 assessments that, after applicable statewide, standardized are
699 scheduled, exceed the 5 percent test administration limit for
700 that student under this paragraph. The 5 percent test
701 administration limit for a student under this paragraph may be
702 exceeded as needed to provide test accommodations that are



703 required by an IEP or are appropriate for an English language
704 learner who is currently receiving services in a program
705 operated in accordance with an approved English language learner
706 district plan pursuant to s. 1003.56. Notwithstanding this
707 paragraph, a student may choose within a school year to take an
708 examination or assessment adopted by State Board of Education
709 rule pursuant to this section and ss. 1007.27, 1008.30, and
710 1008.44.

711 (e) A statewide, standardized EOC assessment must be used
712 as the final cumulative examination for its associated course.
713 No additional final assessment may be administered in a course
714 with a statewide, standardized EOC assessment. A district-
715 required local assessment may be used as the final cumulative
716 examination for its associated course in accordance with the
717 school district's policy.

718 (f) A school district must provide a student's performance
719 results on district-required local assessments to the student's
720 teachers and parents no later than 30 days after administering
721 such assessments, unless the superintendent determines in
722 writing that extenuating circumstances exist and reports the
723 extenuating circumstances to the district school board.

724 (g) The State Board of Education shall adopt rules for the
725 development of the uniform calendar that, at minimum, define
726 terms that must be used in the calendar to describe various
727 assessments, including the terms "summative assessment,"
728 "formative assessment," and "interim assessment."



729 Section 8. Subsection (3) of section 1008.24, Florida
730 Statutes, is amended to read:

731 1008.24 Test administration and security; public records
732 exemption.—

733 (3) (a) A school district may contract with qualified
734 contractors to administer and proctor statewide, standardized
735 assessments required under s. 1008.22 or assessments associated
736 with Florida approved courses under s. 1003.499, as approved by
737 the Department of Education in accordance with rules of the
738 State Board of Education. Assessments may be administered or
739 proctored by qualified contractors at sites that meet criteria
740 established by rules of the State Board of Education and adopted
741 pursuant to ss. 120.536(1) and 120.54 to implement the
742 contracting requirements of this subsection.

743 (b) A school district may use district employees, such as
744 education paraprofessionals as described in s. 1012.37, to
745 administer and proctor statewide, standardized assessments
746 required under s. 1008.22 or assessments associated with Florida
747 approved courses under s. 1003.499, in accordance with this
748 section and related rules adopted by the State Board of
749 Education. The rules must establish training requirements that
750 must be successfully completed by district employees prior to
751 the employees performing duties pursuant this paragraph.

752 Section 9. Section 1008.25, Florida Statutes, is amended
753 to read:

754 1008.25 Public school student progression; student support



755 ~~remedial instruction~~; reporting requirements.-

756 (1) INTENT.—It is the intent of the Legislature that each
757 student's progression from one grade to another be determined,
758 in part, upon satisfactory performance in English Language arts,
759 social studies, ~~reading, writing,~~ science, and mathematics; that
760 district school board policies facilitate student achievement;
761 that each student and his or her parent be informed of that
762 student's academic progress; and that students have access to
763 educational options that provide academically challenging
764 coursework or accelerated instruction pursuant to s. 1002.3105.

765 (2) ~~COMPREHENSIVE~~ STUDENT PROGRESSION PLAN.—Each district
766 school board shall establish a comprehensive plan for student
767 progression which must provide for a student's progression from
768 one grade to another based on the student's mastery of the
769 standards in s. 1003.41, specifically English language arts,
770 mathematics, science, and social studies standards. The plan
771 must:

772 (a) Include criteria that emphasizes student reading
773 proficiency in kindergarten through grade 3 and provide targeted
774 instructional support for students with identified deficiencies
775 in English language arts, mathematics, science, and social
776 studies. High schools shall use all available assessment
777 results, including the results of statewide, standardized
778 English Language Arts assessments and end-of-course assessments
779 for Algebra I and Geometry, to advise students of any identified
780 deficiencies and to provide appropriate postsecondary



781 preparatory instruction before high school graduation. The
782 results of evaluations used to monitor a student's progress in
783 grades K-12 must be provided to the student's teacher in a
784 timely manner and as otherwise required by law. Thereafter,
785 evaluation results must be provided to the student's parent in a
786 timely manner. When available, instructional personnel must be
787 provided with information on student achievement of standards
788 and benchmarks in order to improve instruction.

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

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

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

801 (b)-(d)1. List the student eligibility and procedural
802 requirements established by the school district for whole-grade
803 promotion, midyear promotion, and subject-matter acceleration
804 that would result in a student attending a different school,
805 pursuant to s. 1002.3105(2) (b).

806 2. Notify parents and students of the school district's



807 process by which a parent may request student participation in
808 whole-grade promotion, midyear promotion, or subject-matter
809 acceleration that would result in a student attending a
810 different school, pursuant to s. 1002.3105(4)(b)2.

811 (c)~~(e)~~1. Advise parents and students that additional ACCEL
812 options may be available at the student's school, pursuant to s.
813 1002.3105.

814 2. Advise parents and students to contact the principal at
815 the student's school for information related to student
816 eligibility requirements for whole-grade promotion, midyear
817 promotion, and subject-matter acceleration when the promotion or
818 acceleration occurs within the principal's school; virtual
819 instruction in higher grade level subjects; and any other ACCEL
820 options offered by the principal, pursuant to s.
821 1002.3105(2)(a).

822 3. Advise parents and students to contact the principal at
823 the student's school for information related to the school's
824 process by which a parent may request student participation in
825 whole-grade promotion, midyear promotion, and subject-matter
826 acceleration when the promotion or acceleration occurs within
827 the principal's school; virtual instruction in higher grade
828 level subjects; and any other ACCEL options offered by the
829 principal, pursuant to s. 1002.3105(4)(b)1.

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

832 (e)~~(g)~~ List, or incorporate by reference, all dual



833 enrollment courses contained within the dual enrollment
834 articulation agreement established pursuant to s. 1007.271(21).

835 (f) ~~(h)~~ Provide instructional sequences by which students
836 in kindergarten through high school may attain progressively
837 higher levels of skill in the use of digital tools and
838 applications. The instructional sequences must include
839 participation in curricular and instructional options and the
840 demonstration of competence of standards required pursuant to
841 ss. 1003.41 and 1003.4203 through attainment of industry
842 certifications and other means of demonstrating credit
843 requirements identified under ss. 1002.3105, 1003.4203, and
844 1003.4282.

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

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

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

853 (4) ASSESSMENT AND SUPPORT ~~REMEDIA~~TION.—

854 (a) Each student must participate in the statewide,
855 standardized assessment program required by s. 1008.22. Each
856 student who does not achieve a ~~meet specific levels of~~
857 ~~performance on the required assessments as determined by the~~
858 ~~district school board or who scores below~~ Level 3 or above on



859 | the statewide, standardized ~~Reading assessment or, upon~~
860 | ~~implementation,~~ the English Language Arts assessment, ~~or on the~~
861 | statewide, standardized Mathematics assessment, or assessments
862 | ~~in grades 3 through 8~~ and the Algebra I EOC assessment must be
863 | evaluated ~~provided with additional diagnostic assessments~~ to
864 | determine the nature of the student's difficulty, the areas of
865 | academic need, and strategies for providing academic supports to
866 | improve the student's performance ~~appropriate intervention and~~
867 | ~~instruction as described in paragraph (b).~~

868 | (b) ~~The school in which the student is enrolled must~~
869 | ~~develop, in consultation with the student's parent, and must~~
870 | ~~implement a progress monitoring plan. A progress monitoring plan~~
871 | ~~is intended to provide the school district and the school~~
872 | ~~flexibility in meeting the academic needs of the student and to~~
873 | ~~reduce paperwork.~~ A student who is not meeting the school
874 | district or state requirements for satisfactory performance in
875 | English Language Arts and mathematics ~~must proficiency in~~
876 | ~~reading and mathematics~~ shall be covered by one of the following
877 | ~~plans to target instruction and identify ways to improve his or~~
878 | ~~her academic achievement:~~

879 | 1. A federally required student plan such as an individual
880 | education plan;

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



885 3. An individualized progress monitoring plan.

886

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

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

906 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

907 (a) Any student who exhibits a substantial deficiency in
908 reading, based upon locally determined or statewide assessments
909 conducted in kindergarten or grade 1, grade 2, or grade 3, or
910 through teacher observations, must be given intensive reading



911 instruction immediately following the identification of the
912 reading deficiency. The student's reading proficiency must be
913 monitored and the intensive instruction must continue until the
914 student demonstrates grade level proficiency in a manner
915 determined by the district, which may include achieving a Level
916 3 on the statewide, standardized English Language Arts
917 assessment reassessed by locally determined assessments or
918 through teacher observations at the beginning of the grade
919 following the intensive reading instruction. The student must
920 continue to be provided with intensive reading instruction until
921 the reading deficiency is remedied.

922 (b) To be promoted to grade 4, a student must score a
923 Level 2 or higher on the statewide, standardized English
924 Language Arts assessment required under s. 1008.22 for grade 3.
925 If a student's reading deficiency is not remedied by the end of
926 grade 3, as demonstrated by scoring Level 2 or higher on the
927 statewide, standardized assessment required under s. 1008.22 for
928 grade 3, the student must be retained.

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

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

934 2. A description of the current services that are provided
935 to the child.

936 3. A description of the proposed supplemental



937 instructional services and supports that will be provided to the
938 child that are designed to remediate the identified area of
939 reading deficiency.

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

944 5. Strategies for parents to use in helping their child
945 succeed in reading proficiency.

946 6. That the statewide, standardized English Language Arts
947 assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not
948 the sole determiner of promotion and that additional
949 evaluations, portfolio reviews, and assessments are available to
950 the child to assist parents and the school district in knowing
951 when a child is reading at or above grade level and ready for
952 grade promotion.

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

960 8. The district's specific criteria and policies for
961 midyear promotion. Midyear promotion means promotion of a
962 retained student at any time during the year of retention once



963 the student has demonstrated ability to read at grade level.

964 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

967 (b) The district school board may only exempt students
968 from mandatory retention, as provided in paragraph (5)(b), for
969 good cause. A student who is promoted to grade 4 with a good
970 cause exemption shall be provided intensive reading instruction
971 and intervention that include specialized diagnostic information
972 and specific reading strategies to meet the needs of each
973 student so promoted. The school district shall assist schools
974 and teachers with the implementation of reading strategies for
975 students promoted with a good cause exemption which research has
976 shown to be successful in improving reading among students who
977 have reading difficulties. Good cause exemptions are limited to
978 the following:

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

983 2. Students with disabilities whose individual education
984 plan indicates that participation in the statewide assessment
985 program is not appropriate, consistent with the requirements of
986 s. 1008.212.

987 3. Students who demonstrate an acceptable level of
988 performance on an alternative standardized reading or English



989 Language Arts assessment approved by the State Board of
990 Education.

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

995 5. Students with disabilities who take the statewide,
996 standardized ~~Reading assessment or, upon implementation, the~~
997 English Language Arts assessment and who have an individual
998 education plan or a Section 504 plan that reflects that the
999 student has received intensive instruction ~~remediation~~ in
1000 reading or English Language Arts for more than 2 years but still
1001 demonstrates a deficiency and was previously retained in
1002 kindergarten, grade 1, grade 2, or grade 3.

1003 6. Students who have received intensive reading
1004 intervention for 2 or more years but still demonstrate a
1005 deficiency in reading and who were previously retained in
1006 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
1007 years. A student may not be retained more than once in grade 3.

1008 7. Students who have received intensive remediation in
1009 reading or English Language Arts for 2 or more years but still
1010 demonstrate a deficiency and who were previously retained in
1011 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
1012 years. Intensive instruction for students so promoted must
1013 include an altered instructional day that includes specialized
1014 diagnostic information and specific reading strategies for each



1015 student. The district school board shall assist schools and
1016 teachers to implement reading strategies that research has shown
1017 to be successful in improving reading among low-performing
1018 readers.

1019 (c) Requests for good cause exemptions for students from
1020 the mandatory retention requirement as described in
1021 subparagraphs (b)3. and 4. shall be made consistent with the
1022 following:

1023 1. Documentation shall be submitted from the student's
1024 teacher to the school principal that indicates that the
1025 promotion of the student is appropriate and is based upon the
1026 student's academic record. In order to minimize paperwork
1027 requirements, such documentation shall consist only of the
1028 existing progress monitoring plan, individual educational plan,
1029 if applicable, report card, or student portfolio.

1030 2. The school principal shall review and discuss such
1031 recommendation with the teacher and make the determination as to
1032 whether the student should be promoted or retained. If the
1033 school principal determines that the student should be promoted,
1034 the school principal shall make such recommendation in writing
1035 to the district school superintendent. The district school
1036 superintendent shall accept or reject the school principal's
1037 recommendation in writing.

1038 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
1039 STUDENTS.—

1040 (a) Students retained under the provisions of paragraph



1041 (5) (b) must be provided intensive interventions in reading to
1042 ameliorate the student's specific reading deficiency, as
1043 identified by a valid and reliable diagnostic assessment. This
1044 intensive intervention must include effective instructional
1045 strategies, participation in the school district's summer
1046 reading camp, and appropriate teaching methodologies necessary
1047 to assist those students in becoming successful readers, able to
1048 read at or above grade level, and ready for promotion to the
1049 next grade.

1050 (b) Each school district shall:

1051 1. Provide third grade students who are retained under the
1052 provisions of paragraph (5) (b) with intensive instructional
1053 services and supports to remediate the identified areas of
1054 reading deficiency, including participation in the school
1055 district's summer reading camp as required under paragraph (a)
1056 and a minimum of 90 minutes of daily, uninterrupted,
1057 scientifically research-based reading instruction which includes
1058 phonemic awareness, phonics, fluency, vocabulary, and
1059 comprehension and other strategies prescribed by the school
1060 district, which may include, but are not limited to:

- 1061 a. Integration of science and social studies content
1062 within the 90-minute block.
- 1063 b. Small group instruction.
- 1064 c. Reduced teacher-student ratios.
- 1065 d. More frequent progress monitoring.
- 1066 e. Tutoring or mentoring.



CS/HB 7069, Engrossed 2

2015

1067 f. Transition classes containing 3rd and 4th grade
1068 students.

1069 g. Extended school day, week, or year.

1070 2. Provide written notification to the parent of a student
1071 who is retained under the provisions of paragraph (5)(b) that
1072 his or her child has not met the proficiency level required for
1073 promotion and the reasons the child is not eligible for a good
1074 cause exemption as provided in paragraph (6)(b). The
1075 notification must comply with the provisions of s. 1002.20(15)
1076 and must include a description of proposed interventions and
1077 supports that will be provided to the child to remediate the
1078 identified areas of reading deficiency.

1079 3. Implement a policy for the midyear promotion of a
1080 student retained under the provisions of paragraph (5)(b) who
1081 can demonstrate that he or she is a successful and independent
1082 reader and performing at or above grade level in reading or,
1083 upon implementation of English Language Arts assessments,
1084 performing at or above grade level in English Language Arts.
1085 Tools that school districts may use in reevaluating a student
1086 retained may include subsequent assessments, alternative
1087 assessments, and portfolio reviews, in accordance with rules of
1088 the State Board of Education. Students promoted during the
1089 school year after November 1 must demonstrate proficiency levels
1090 in reading equivalent to the level necessary for the beginning
1091 of grade 4. The rules adopted by the State Board of Education
1092 must include standards that provide a reasonable expectation



1093 that the student's progress is sufficient to master appropriate
1094 grade 4 level reading skills.

1095 4. Provide students who are retained under the provisions
1096 of paragraph (5) (b) with a highly effective teacher as
1097 determined by the teacher's performance evaluation under s.
1098 1012.34.

1099 5. Establish at each school, when applicable, an Intensive
1100 Acceleration Class for retained grade 3 students who
1101 subsequently score Level 1 on the required statewide,
1102 standardized assessment identified in s. 1008.22. The focus of
1103 the Intensive Acceleration Class shall be to increase a child's
1104 reading and English Language Arts skill level at least two grade
1105 levels in 1 school year. The Intensive Acceleration Class shall:

1106 a. Be provided to a student in grade 3 who scores Level 1
1107 on the statewide, standardized ~~Reading assessment or, upon~~
1108 ~~implementation, the~~ English Language Arts assessment and who was
1109 retained in grade 3 the prior year because of scoring Level 1.

1110 b. Have a reduced teacher-student ratio.

1111 c. Provide uninterrupted reading instruction for the
1112 majority of student contact time each day and incorporate
1113 opportunities to master the grade 4 Next Generation Sunshine
1114 State Standards in other core subject areas.

1115 d. Use a reading program that is scientifically research-
1116 based and has proven results in accelerating student reading
1117 achievement within the same school year.

1118 e. Provide intensive language and vocabulary instruction



1119 using a scientifically research-based program, including use of
1120 a speech-language therapist.

1121 (8) ANNUAL REPORT.—

1122 (a) In addition to the requirements in paragraph (5)(b),
1123 each district school board must annually report to the parent of
1124 each student the progress of the student toward achieving state
1125 and district expectations for proficiency in English Language
1126 Arts, ~~reading, writing,~~ science, social studies, and
1127 mathematics. The district school board must report to the parent
1128 the student's results on each statewide, standardized assessment
1129 ~~test~~. The evaluation of each student's progress must be based
1130 upon the student's classroom work, observations, tests, district
1131 and state assessments, and other relevant information. Progress
1132 reporting must be provided to the parent in writing in a format
1133 adopted by the district school board.

1134 (b) Each district school board must annually publish on
1135 the district website and in the local newspaper the following
1136 information on the prior school year:

1137 1. The provisions of this section relating to public
1138 school student progression and the district school board's
1139 policies and procedures on student retention and promotion.

1140 2. By grade, the number and percentage of all students in
1141 grades 3 through 10 performing at Levels 1 and 2 on the
1142 statewide, standardized English Language Arts assessment ~~reading~~
1143 ~~portion of the FCAT~~.

1144 3. By grade, the number and percentage of all students



CS/HB 7069, Engrossed 2

2015

1145 retained in kindergarten ~~grades 3~~ through grade 10.

1146 4. Information on the total number of students who were
1147 promoted for good cause, by each category of good cause as
1148 specified in paragraph (6) (b).

1149 5. Any revisions to the district school board's policies
1150 and procedures ~~policy~~ on student retention and promotion from
1151 the prior year.

1152 (9) RULEMAKING.—The State Board of Education shall adopt
1153 rules pursuant to ss. 120.536(1) and 120.54 for the
1154 administration of this section.

1155 Section 10. Subsection (3) of section 1008.30, Florida
1156 Statutes, is amended to read:

1157 1008.30 Common placement testing for public postsecondary
1158 education.—

1159 ~~(3) The State Board of Education shall adopt rules that~~
1160 ~~require high schools to evaluate before the beginning of grade~~
1161 ~~12 the college readiness of each student who scores Level 2 or~~
1162 ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~
1163 ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~
1164 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~
1165 ~~schools shall perform this evaluation using results from the~~
1166 ~~corresponding component of the common placement test prescribed~~
1167 ~~in this section, or an alternative test identified by the State~~
1168 ~~Board of Education. The high school shall use the results of the~~
1169 ~~test to advise the students of any identified deficiencies and~~
1170 ~~to provide 12th grade students, and require them to complete,~~



1171 ~~appropriate postsecondary preparatory instruction before high~~
1172 ~~school graduation. The curriculum provided under this subsection~~
1173 ~~shall be identified in rule by the State Board of Education and~~
1174 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~
1175 ~~elective courses may not be substituted for the selected~~
1176 ~~postsecondary mathematics, reading, writing, or English Language~~
1177 ~~Arts preparatory course unless the elective course covers the~~
1178 ~~same competencies included in the postsecondary mathematics,~~
1179 ~~reading, writing, or English Language Arts preparatory course.~~

1180 Section 11. Subsection (7) of section 1008.34, Florida
1181 Statutes, is amended to read:

1182 1008.34 School grading system; school report cards;
1183 district grade.—

1184 (7) TRANSITION.—School grades pursuant to this section and
1185 school improvement ratings pursuant to s. 1008.341 for the 2013-
1186 2014 school year shall be calculated based on statutes and rules
1187 in effect on June 30, 2014. To assist in the transition to 2014-
1188 2015 school grades and school improvement ratings, calculated
1189 based on new statewide, standardized assessments administered
1190 pursuant to s. 1008.22, the 2014-2015 school grades and school
1191 improvement ratings shall serve as an informational baseline for
1192 schools to work toward improved performance in future years.

1193 Accordingly, notwithstanding any other provision of law:

1194 (a) A school may not be required to select and implement a
1195 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
1196 year based on the school's 2014-2015 grade or school improvement



1197 rating under s. 1008.341, as applicable. The benefits of s.
1198 1008.33(4)(c), relating to a school being released from
1199 implementation of the turnaround option, and s. 1008.33(4)(d),
1200 relating to a school implementing strategies identified in its
1201 school improvement plan, apply to a school using turnaround
1202 options pursuant to s. 1008.33 which improves at least one
1203 letter grade during the 2014-2015 school year.

1204 (b)1. A school or approved provider under s. 1002.45 which
1205 ~~that~~ receives the same or a lower school grade or school
1206 improvement rating for the 2014-2015 school year compared to the
1207 2013-2014 school year is not subject to sanctions or penalties
1208 that would otherwise occur as a result of the 2014-2015 school
1209 grade or rating. A charter school system or a school district
1210 designated as high performing may not lose the designation based
1211 on the 2014-2015 school grades of any of the schools within the
1212 charter school system or school district, as applicable.

1213 2. The Florida School Recognition Program established
1214 under s. 1008.36 shall continue to be implemented as otherwise
1215 provided in the General Appropriations Act.

1216 (c) Until such time as an independent verification of the
1217 psychometric validity of the statewide, standardized assessments
1218 first implemented in 2014-2015 is provided, for purposes of
1219 ~~determining~~ grade 3 English Language Arts student performance
1220 ~~retention pursuant to s. 1008.25(5)~~ and high school graduation
1221 requirements pursuant to s. 1003.4282, student performance on
1222 the 2014-2015 statewide, standardized assessments shall be



1223 linked to 2013-2014 student performance expectations. Students
1224 who score in the bottom quintile on the 2014-2015 grade 3
1225 English Language Arts assessment shall be identified as students
1226 at risk of retention. School districts must notify parents of
1227 such students, provide evidence as outlined in s. 1008.25(6)(b),
1228 and provide the appropriate intervention and support services
1229 for student success in grade 4.

1230 (d)1. An independent verification of the psychometric
1231 validity of the statewide, standardized assessments first
1232 implemented in 2014-2015 must be completed before the 2014-2015
1233 school grades results may be published and before the student
1234 performance data resulting from such assessments may be used for
1235 purposes of instructional personnel and school administrator
1236 evaluations.

1237 2. The independent entity must be selected by a panel
1238 consisting of one member appointed by the Governor, one member
1239 appointed by the President of the Senate, and one member
1240 appointed by the Speaker of the House of Representatives. In
1241 selecting the independent entity, the panel must consider, at a
1242 minimum:

1243 a. The national reputation and length of establishment of
1244 the entity;

1245 b. The experience and expertise of the independent entity
1246 in validating such data; and

1247 c. The use of professional standards, codes, and
1248 guidelines that address applicable practices in the profession,



1249 such as the Standards for Educational and Psychological Testing.

1250 3. The panel must select the independent entity no later
 1251 than June 1, 2015. Upon selection of the independent entity, the
 1252 Department of Education shall immediately contract with the
 1253 independent entity to perform the independent verification,
 1254 which must be completed by September 1, 2015. This paragraph is
 1255 repealed December 31, 2015.

1256
 1257 This subsection is repealed July 1, 2017.

1258 Section 12. Section 1012.34, Florida Statutes, is amended
 1259 to read:

1260 1012.34 Personnel evaluation procedures and criteria.—

1261 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1262 (a) For the purpose of increasing student academic
 1263 performance by improving the quality of instructional,
 1264 administrative, and supervisory services in the public schools
 1265 of the state, the district school superintendent shall establish
 1266 procedures for evaluating the performance of duties and
 1267 responsibilities of all instructional, administrative, and
 1268 supervisory personnel employed by the school district. The
 1269 district school superintendent shall provide instructional
 1270 personnel the opportunity to review their class rosters for
 1271 accuracy and to correct any mistakes. The district school
 1272 superintendent shall report accurate class rosters for the
 1273 purpose of calculating district and statewide student
 1274 performance and annually report the evaluation results of



1275 instructional personnel and school administrators to the
 1276 Department of Education in addition to the information required
 1277 under subsection (5).

1278 (b) The department must approve each school district's
 1279 instructional personnel and school administrator evaluation
 1280 systems. The department shall monitor each district's
 1281 implementation of its instructional personnel and school
 1282 administrator evaluation systems for compliance with the
 1283 requirements of this section and ~~s. 1012.3401.~~

1284 (c) Annually, by February ~~December~~ 1, the Commissioner of
 1285 Education shall publish on the department's website ~~report to~~
 1286 ~~the Governor, the President of the Senate, and the Speaker of~~
 1287 ~~the House of Representatives the approval and implementation~~
 1288 status of each school district's instructional personnel and
 1289 school administrator evaluation systems. This information must
 1290 ~~The report shall~~ include:

1291 1. Performance evaluation results for the prior school
 1292 year for instructional personnel and school administrators using
 1293 the four levels of performance specified in paragraph (2)(e).
 1294 The performance evaluation results for instructional personnel
 1295 shall be disaggregated by classroom teachers, as defined in s.
 1296 1012.01(2)(a), excluding substitute teachers, and all other
 1297 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

1298 2. An analysis that compares performance evaluation
 1299 results calculated by each school district to indicators of
 1300 performance calculated by the department using the standards for



1301 performance levels adopted by the state board under subsection
1302 (8). ~~The commissioner shall include in the report each~~
1303 ~~district's performance level standards established under~~
1304 ~~subsection (7), a comparative analysis of the district's student~~
1305 ~~academic performance results and evaluation results,~~

1306 3. ~~Data reported under s. 1012.341, and the status of any~~
1307 ~~evaluation system revisions requested by a school district~~
1308 ~~pursuant to subsection (6).~~

1309 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
1310 for instructional personnel and school administrators must:

1311 (a) Be designed to support effective instruction and
1312 student learning growth, and performance evaluation results must
1313 be used when developing district and school level improvement
1314 plans.

1315 (b) Provide appropriate instruments, procedures, timely
1316 feedback, and criteria for continuous quality improvement of the
1317 professional skills of instructional personnel and school
1318 administrators, and performance evaluation results must be used
1319 when identifying professional development.

1320 (c) Include a mechanism to examine performance data from
1321 multiple sources, including opportunities for parents to provide
1322 input into employee performance evaluations when appropriate.

1323 (d) Identify those teaching fields for which special
1324 evaluation procedures and criteria are necessary.

1325 (e) Differentiate among four levels of performance as
1326 follows:



CS/HB 7069, Engrossed 2

2015

- 1327 | 1. Highly effective.
1328 | 2. Effective.
1329 | 3. Needs improvement or, for instructional personnel in
1330 | the first 3 years of employment who need improvement,
1331 | developing.
1332 | 4. Unsatisfactory.

1333 |
1334 | ~~The Commissioner of Education shall consult with experts,~~
1335 | ~~instructional personnel, school administrators, and education~~
1336 | ~~stakeholders in developing the criteria for the performance~~
1337 | ~~levels.~~

1338 | (f) Provide for training and monitoring programs ~~that are~~
1339 | based upon guidelines provided by the department to ensure that
1340 | all individuals with evaluation responsibilities understand the
1341 | proper use of the evaluation criteria and procedures.

1342 | ~~(g) Include a process for monitoring and evaluating the~~
1343 | ~~effective and consistent use of the evaluation criteria by~~
1344 | ~~employees with evaluation responsibilities.~~

1345 | ~~(h) Include a process for monitoring and evaluating the~~
1346 | ~~effectiveness of the system itself in improving instruction and~~
1347 | ~~student learning.~~

1348 |
1349 | In addition, each district school board may establish a peer
1350 | assistance process. This process may be a part of the regular
1351 | evaluation system or used to assist employees placed on
1352 | performance probation, newly hired classroom teachers, or



1353 employees who request assistance.

1354 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
1355 personnel and school administrator performance evaluations must
1356 be based upon the performance of students assigned to their
1357 classrooms or schools, as provided in this section. Pursuant to
1358 this section, a school district's performance evaluation system
1359 is not limited to basing unsatisfactory performance of
1360 instructional personnel and school administrators solely upon
1361 student performance, but may include other criteria ~~approved~~ to
1362 evaluate instructional personnel and school administrators'
1363 performance, or any combination of student performance and other
1364 ~~approved~~ criteria. Evaluation procedures and criteria must
1365 comply with, but are not limited to, the following:

1366 (a) A performance evaluation must be conducted for each
1367 employee at least once a year, except that a classroom teacher,
1368 as defined in s. 1012.01(2)(a), excluding substitute teachers,
1369 who is newly hired by the district school board must be observed
1370 and evaluated at least twice in the first year of teaching in
1371 the school district. The performance evaluation must be based
1372 upon sound educational principles and contemporary research in
1373 effective educational practices. The evaluation criteria must
1374 include:

1375 1. Performance of students.—At least one-third ~~50 percent~~
1376 of a performance evaluation must be based upon data and
1377 indicators of student performance ~~learning growth assessed~~
1378 ~~annually by statewide assessments or, for subjects and grade~~



1379 ~~levels not measured by statewide assessments, by school district~~
1380 ~~assessments as provided in s. 1008.22(6). Each school district~~
1381 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~
1382 ~~measuring student learning growth in all courses associated with~~
1383 ~~statewide assessments and must select an equally appropriate~~
1384 ~~formula for measuring student learning growth for all other~~
1385 ~~grades and subjects, except as otherwise provided in accordance~~
1386 ~~with subsection (7).~~

1387 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~
1388 ~~excluding substitute teachers, the student learning growth This~~
1389 ~~portion of the evaluation must include growth or achievement~~
1390 ~~data of the teacher's students or, for a school administrator,~~
1391 ~~the students attending the school for students assigned to the~~
1392 ~~teacher over the course of at least 3 years. If less than 3~~
1393 ~~years of data are available, the years for which data are~~
1394 ~~available must be used. The proportion of growth or achievement~~
1395 ~~data may be determined by instructional assignment and the~~
1396 ~~percentage of the evaluation based upon student learning growth~~
1397 ~~may be reduced to not less than 40 percent.~~

1398 ~~b. For instructional personnel who are not classroom~~
1399 ~~teachers, the student learning growth portion of the evaluation~~
1400 ~~must include growth data on statewide assessments for students~~
1401 ~~assigned to the instructional personnel over the course of at~~
1402 ~~least 3 years, or may include a combination of student learning~~
1403 ~~growth data and other measurable student outcomes that are~~
1404 ~~specific to the assigned position, provided that the student~~



1405 ~~learning growth data accounts for not less than 30 percent of~~
1406 ~~the evaluation. If less than 3 years of student growth data are~~
1407 ~~available, the years for which data are available must be used~~
1408 ~~and the percentage of the evaluation based upon student learning~~
1409 ~~growth may be reduced to not less than 20 percent.~~

1410 ~~e. For school administrators, the student learning growth~~
1411 ~~portion of the evaluation must include growth data for students~~
1412 ~~assigned to the school over the course of at least 3 years. If~~
1413 ~~less than 3 years of data are available, the years for which~~
1414 ~~data are available must be used and the percentage of the~~
1415 ~~evaluation based upon student learning growth may be reduced to~~
1416 ~~not less than 40 percent.~~

1417 2. Instructional practice.—For instructional personnel, at
1418 least one-third of the performance evaluation must be based upon
1419 instructional practice. Evaluation criteria used when annually
1420 observing classroom teachers, as defined in s. 1012.01(2)(a),
1421 excluding substitute teachers, must include indicators based
1422 upon each of the Florida Educator Accomplished Practices adopted
1423 by the State Board of Education. For instructional personnel who
1424 are not classroom teachers, evaluation criteria must be based
1425 upon indicators of the Florida Educator Accomplished Practices
1426 and may include specific job expectations related to student
1427 support.

1428 3. Instructional leadership.—For school administrators, at
1429 least one-third of the performance evaluation must be based on
1430 instructional leadership. Evaluation criteria for instructional



1431 leadership must include indicators based upon each of the
1432 leadership standards adopted by the State Board of Education
1433 under s. 1012.986, including performance measures related to the
1434 effectiveness of classroom teachers in the school, the
1435 administrator's appropriate use of evaluation criteria and
1436 procedures, recruitment and retention of effective and highly
1437 effective classroom teachers, improvement in the percentage of
1438 instructional personnel evaluated at the highly effective or
1439 effective level, and other leadership practices that result in
1440 student learning growth. The system may include a means to give
1441 parents and instructional personnel an opportunity to provide
1442 input into the administrator's performance evaluation.

1443 4. Other indicators of performance ~~Professional and job~~
1444 ~~responsibilities.~~ For instructional personnel and school
1445 administrators, the remainder of a performance evaluation may
1446 include, but is not limited to, For instructional personnel and
1447 ~~school administrators, other professional and job~~
1448 ~~responsibilities must be included~~ as recommended ~~adopted~~ by the
1449 State Board of Education or identified by the district school
1450 board and, for instructional personnel, peer reviews,
1451 objectively reliable survey information from students and
1452 parents based on teaching practices that are consistently
1453 associated with higher student achievement, and other valid and
1454 reliable measures of instructional practice. ~~The district school~~
1455 ~~board may identify additional professional and job~~
1456 ~~responsibilities.~~



1457 (b) All personnel must be fully informed of the criteria,
1458 data sources, methodologies, and procedures associated with the
1459 evaluation process before the evaluation takes place.

1460 (c) The individual responsible for supervising the
1461 employee must evaluate the employee's performance. The
1462 evaluation system may provide for the evaluator to consider
1463 input from other personnel trained under subsection (2)
1464 ~~paragraph (2) (f)~~. The evaluator must submit a written report of
1465 the evaluation to the district school superintendent for the
1466 purpose of reviewing the employee's contract. The evaluator must
1467 submit the written report to the employee no later than 10 days
1468 after the evaluation takes place. The evaluator must discuss the
1469 written evaluation report with the employee. The employee shall
1470 have the right to initiate a written response to the evaluation,
1471 and the response shall become a permanent attachment to his or
1472 her personnel file.

1473 (d) The evaluator may amend an evaluation based upon
1474 assessment data from the current school year if the data becomes
1475 available within 90 days after the close of the school year. The
1476 evaluator must then comply with the procedures set forth in
1477 paragraph (c).

1478 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
1479 employee who holds a professional service contract as provided
1480 in s. 1012.33 is not performing his or her duties in a
1481 satisfactory manner, the evaluator shall notify the employee in
1482 writing of such determination. The notice must describe such



1483 | unsatisfactory performance and include notice of the following
1484 | procedural requirements:

1485 | (a) Upon delivery of a notice of unsatisfactory
1486 | performance, the evaluator must confer with the employee who
1487 | holds a professional service contract, make recommendations with
1488 | respect to specific areas of unsatisfactory performance, and
1489 | provide assistance in helping to correct deficiencies within a
1490 | prescribed period of time.

1491 | (b)1. The employee who holds a professional service
1492 | contract shall be placed on performance probation and governed
1493 | by the provisions of this section for 90 calendar days following
1494 | the receipt of the notice of unsatisfactory performance to
1495 | demonstrate corrective action. School holidays and school
1496 | vacation periods are not counted when calculating the 90-
1497 | calendar-day period. During the 90 calendar days, the employee
1498 | who holds a professional service contract must be evaluated
1499 | periodically and apprised of progress achieved and must be
1500 | provided assistance and inservice training opportunities to help
1501 | correct the noted performance deficiencies. At any time during
1502 | the 90 calendar days, the employee who holds a professional
1503 | service contract may request a transfer to another appropriate
1504 | position with a different supervising administrator; however, if
1505 | a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),
1506 | it does not extend the period for correcting performance
1507 | deficiencies.

1508 | 2. Within 14 days after the close of the 90 calendar days,



1509 | the evaluator must evaluate whether the performance deficiencies
1510 | have been corrected and forward a recommendation to the district
1511 | school superintendent. Within 14 days after receiving the
1512 | evaluator's recommendation, the district school superintendent
1513 | must notify the employee who holds a professional service
1514 | contract in writing whether the performance deficiencies have
1515 | been satisfactorily corrected and whether the district school
1516 | superintendent will recommend that the district school board
1517 | continue or terminate his or her employment contract. If the
1518 | employee wishes to contest the district school superintendent's
1519 | recommendation, the employee must, within 15 days after receipt
1520 | of the district school superintendent's recommendation, submit a
1521 | written request for a hearing. The hearing shall be conducted at
1522 | the district school board's election in accordance with one of
1523 | the following procedures:

1524 | a. A direct hearing conducted by the district school board
1525 | within 60 days after receipt of the written appeal. The hearing
1526 | shall be conducted in accordance with the provisions of ss.
1527 | 120.569 and 120.57. A majority vote of the membership of the
1528 | district school board shall be required to sustain the district
1529 | school superintendent's recommendation. The determination of the
1530 | district school board shall be final as to the sufficiency or
1531 | insufficiency of the grounds for termination of employment; or

1532 | b. A hearing conducted by an administrative law judge
1533 | assigned by the Division of Administrative Hearings of the
1534 | Department of Management Services. The hearing shall be



1535 | conducted within 60 days after receipt of the written appeal in
1536 | accordance with chapter 120. The recommendation of the
1537 | administrative law judge shall be made to the district school
1538 | board. A majority vote of the membership of the district school
1539 | board shall be required to sustain or change the administrative
1540 | law judge's recommendation. The determination of the district
1541 | school board shall be final as to the sufficiency or
1542 | insufficiency of the grounds for termination of employment.

1543 | (5) ADDITIONAL NOTIFICATIONS.—The district school
1544 | superintendent shall annually notify the department of any
1545 | instructional personnel or school administrators who receive two
1546 | consecutive unsatisfactory evaluations. The district school
1547 | superintendent shall also notify the department of any
1548 | instructional personnel or school administrators who are given
1549 | written notice by the district of intent to terminate or not
1550 | renew their employment. The department shall conduct an
1551 | investigation to determine whether action shall be taken against
1552 | the certificateholder pursuant to s. 1012.795.

1553 | (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
1554 | EVALUATION SYSTEMS.—The district school board shall establish a
1555 | procedure for annually reviewing instructional personnel and
1556 | school administrator evaluation systems to determine compliance
1557 | with this section ~~and s. 1012.3401~~. All substantial revisions to
1558 | an approved system must be reviewed and approved by the district
1559 | school board before being used to evaluate instructional
1560 | personnel or school administrators. Upon request by a school



1561 district, the department shall provide assistance in developing,
1562 improving, or reviewing an evaluation system.

1563 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1564 (a) The Commissioner of Education shall approve a formula
1565 to measure individual student learning growth on the statewide,
1566 standardized assessments in English Language Arts and
1567 mathematics administered under s. 1008.22. The formula must take
1568 into consideration each student's prior academic performance.
1569 The formula must not set different expectations for student
1570 learning growth based upon a student's gender, race, ethnicity,
1571 or socioeconomic status. In the development of the formula, the
1572 commissioner shall consider other factors such as a student's
1573 attendance record, disability status, or status as an English
1574 language learner. The commissioner may ~~shall~~ select additional
1575 formulas to measure student performance as appropriate for the
1576 remainder of the statewide, standardized assessments included
1577 under s. 1008.22 and continue to select formulas as new
1578 assessments are implemented in the state system. After the
1579 commissioner approves the formula to measure individual student
1580 learning growth, the State Board of Education shall adopt these
1581 formulas in rule.

1582 (b) Each school district shall measure student learning
1583 growth using the formulas approved by the commissioner under
1584 paragraph (a) and the standards for performance levels adopted
1585 by the state board under subsection (8) for courses associated
1586 with the statewide, standardized assessments administered under



1587 s. 1008.22 no later than the school year immediately following
1588 the year the formula is approved by the commissioner. For grades
1589 and subjects not assessed by statewide, standardized assessments
1590 ~~but otherwise assessed as required under s. 1008.22(6), each~~
1591 school district shall measure student performance ~~of students~~
1592 using a methodology determined by the district. ~~The department~~
1593 ~~shall provide models for measuring performance of students which~~
1594 ~~school districts may adopt.~~

1595 ~~(c) For a course that is not measured by a statewide,~~
1596 ~~standardized assessment, a school district may request, through~~
1597 ~~the evaluation system approval process, to use a student's~~
1598 ~~achievement level rather than student learning growth if~~
1599 ~~achievement is demonstrated to be a more appropriate measure of~~
1600 ~~classroom teacher performance. A school district may also~~
1601 ~~request to use a combination of student learning growth and~~
1602 ~~achievement, if appropriate.~~

1603 ~~(d) For a course that is not measured by a statewide,~~
1604 ~~standardized assessment, a school district may request, through~~
1605 ~~the evaluation system approval process, that the performance~~
1606 ~~evaluation for the classroom teacher assigned to that course~~
1607 ~~include the learning growth of his or her students on one or~~
1608 ~~more statewide, standardized assessments. The request must~~
1609 ~~clearly explain the rationale supporting the request.~~

1610 ~~(e) For purposes of this section and only for the 2014-~~
1611 ~~2015 school year, a school district may use measurable learning~~
1612 ~~targets on local assessments administered under s. 1008.22(6) to~~



1613 ~~evaluate the performance of students portion of a classroom~~
1614 ~~teacher's evaluation for courses that are not assessed by~~
1615 ~~statewide, standardized assessments. Learning targets must be~~
1616 ~~approved by the school principal. A district school~~
1617 ~~superintendent may assign to instructional personnel in an~~
1618 ~~instructional team the student learning growth of the~~
1619 ~~instructional team's students on statewide assessments. This~~
1620 ~~paragraph expires July 1, 2015.~~

1621 (8) RULEMAKING.—No later than August 1, 2015, the State
1622 Board of Education shall adopt rules pursuant to ss. 120.536(1)
1623 and 120.54 which establish uniform procedures and format for the
1624 submission, review, and approval of district evaluation systems
1625 and reporting requirements for the annual evaluation of
1626 instructional personnel and school administrators; specific,
1627 discrete standards for each performance level required under
1628 subsection (2), based on student learning growth models approved
1629 by the commissioner, to ensure clear and sufficient
1630 differentiation in the performance levels and to provide
1631 consistency in meaning across school districts; the measurement
1632 of student learning growth and associated implementation
1633 procedures required under subsection (7); and a process for
1634 monitoring school district implementation of evaluation systems
1635 in accordance with this section. ~~Specifically, the rules shall~~
1636 ~~establish student performance levels that if not met will result~~
1637 ~~in the employee receiving an unsatisfactory performance~~
1638 ~~evaluation rating. In like manner, the rules shall establish a~~



CS/HB 7069, Engrossed 2

2015

1639 ~~student performance level that must be met in order for an~~
1640 ~~employee to receive a highly effective rating and a student~~
1641 ~~learning growth standard that must be met in order for an~~
1642 ~~employee to receive an effective rating.~~

1643 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED
1644 ASSESSMENTS.—Standards for each performance level required under
1645 subsection (2) shall be established by the State Board of
1646 Education beginning with the 2015-2016 school year.

1647 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
1648 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
1649 ~~rewards as provided for in the 2014 General Appropriations Act~~
1650 ~~for making outstanding progress toward educator effectiveness,~~
1651 ~~including implementation of instructional personnel salaries~~
1652 ~~based on performance results under s. 1012.34 and the use of~~
1653 ~~local assessment results in personnel evaluations when~~
1654 ~~statewide, standardized assessments are not administered.~~

1655 Section 13. Section 1012.3401, Florida Statutes, is
1656 repealed.

1657 Section 14. Subsection (10) of section 1012.98, Florida
1658 Statutes, is amended to read:

1659 1012.98 School Community Professional Development Act.—

1660 (10) For instructional personnel ~~teachers, managers,~~ and
1661 administrative personnel who have been evaluated as less than
1662 effective ~~satisfactory~~, a district school board shall require
1663 participation in specific professional development programs as
1664 provided in subparagraph (4) (b) 4. as part of the improvement



CS/HB 7069, Engrossed 2

2015

1665 | prescription.

1666 | Section 15. Except as otherwise expressly provided in this

1667 | act, this act shall take effect upon becoming a law.