

By Senator Horne

6-1198A-99

1                                   A bill to be entitled  
2           An act relating to teacher assessments;  
3           amending s. 231.29, F.S.; providing for a  
4           period of probation for instructional personnel  
5           who are employed under professional service  
6           contracts and who fail to demonstrate  
7           corrective action following a notice of  
8           unsatisfactory performance; providing for an  
9           assessment and recommendation by the  
10          superintendent to the school board; providing  
11          for a hearing by the school board or an  
12          administrative law judge; providing an  
13          effective date.

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

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17           Section 1. Subsection (3) of section 231.29, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19           231.29 Assessment procedures and criteria.--

20           (3) The assessment procedure for instructional  
21 personnel shall comply with, but shall not be limited to, the  
22 following requirements:

23           (a) An assessment shall be conducted for each employee  
24 at least once a year. The assessment shall be based upon sound  
25 educational principles and contemporary research in effective  
26 educational practices. The assessment must use data and  
27 indicators of improvement in student performance and may  
28 consider results of peer reviews in evaluating the employee's  
29 performance. The assessment criteria must include, but are not  
30 limited to, indicators that relate to the following:

31           1. Ability to maintain appropriate discipline.

1           2. Knowledge of subject matter. The district school  
2 board shall make special provisions for evaluating teachers  
3 who are assigned to teach out-of-field.

4           3. Ability to plan and deliver instruction.

5           4. Ability to evaluate instructional needs.

6           5. Ability to communicate with parents.

7           6. Other professional competencies, responsibilities,  
8 and requirements as established by rules of the State Board of  
9 Education and policies of the district school board.

10           (b) All personnel shall be fully informed of the  
11 criteria and procedures associated with the assessment process  
12 before the assessment takes place.

13           (c) The individual responsible for supervising the  
14 employee must assess the employee's performance. The evaluator  
15 must submit a written report of the assessment to the  
16 superintendent for the purpose of reviewing the employee's  
17 contract. The evaluator must submit the written report to the  
18 employee no later than 10 days after the assessment takes  
19 place. The evaluator must discuss the written report of  
20 assessment with the employee. The employee shall have the  
21 right to initiate a written response to the assessment, and  
22 the response shall become a permanent attachment to his or her  
23 personnel file.

24           (d) If an employee is not performing his or her duties  
25 in a satisfactory manner, the evaluator shall notify the  
26 employee in writing of such determination. The notice must  
27 describe such unsatisfactory performance and include notice of  
28 the following procedural requirements:

29           1. Upon delivery of a notice of unsatisfactory  
30 performance, the evaluator must confer with the employee, make  
31 recommendations with respect to specific areas of

1 unsatisfactory performance, and provide assistance in helping  
2 to correct deficiencies within a prescribed period of time.

3       2.a. If the employee holds a professional service  
4 contract as provided in s. 231.36,the employee shall be  
5 placed on performance probation and governed by the provisions  
6 of this section for 90 calendar days following ~~from~~ the  
7 receipt of the notice of unsatisfactory performance to  
8 demonstrate corrective action. School holidays and school  
9 vacation periods are not counted when calculating the  
10 90-calendar-day period. During the 90 calendar days, the  
11 employee who holds a professional service contract must be  
12 evaluated periodically and apprised of progress achieved and  
13 must be provided assistance and inservice training  
14 opportunities to help correct the noted performance  
15 deficiencies. At any time during the 90 calendar days, the  
16 employee who holds a professional service contract may request  
17 a transfer to another appropriate position with a different  
18 supervising administrator; however, a transfer does not extend  
19 the period for correcting performance deficiencies.

20       ~~b.3.~~ Within 14 days after the close of the 90 calendar  
21 days, the evaluator must assess whether the performance  
22 deficiencies have been corrected and forward a recommendation  
23 to the superintendent. Within 14 days after receiving the  
24 evaluator's recommendation, the superintendent must notify the  
25 employee who holds a professional service contract in writing  
26 whether the performance deficiencies have been satisfactorily  
27 corrected and whether the superintendent will recommend that  
28 the school board continue or terminate his or her employment  
29 contract. If the employee wishes to contest the  
30 superintendent's recommendation, the employee must, within 15  
31 days after receipt of the superintendent's recommendation,

1 submit a written request for a hearing. Such hearing shall be  
2 conducted at the school board's election in accordance with  
3 one of the following procedures:

4       (I)~~a~~. A direct hearing conducted by the school board  
5 within 60 days after receipt of the written appeal. The  
6 hearing shall be conducted in accordance with the provisions  
7 of ss. 120.569 and 120.57. A majority vote of the membership  
8 of the school board shall be required to sustain the  
9 superintendent's recommendation. The determination of the  
10 school board shall be final as to the sufficiency or

11 insufficiency of the grounds for termination of employment; or  
12       (II)~~b~~. A hearing conducted by an administrative law  
13 judge assigned by the Division of Administrative Hearings of  
14 the Department of Management Services. The hearing shall be  
15 conducted within 60 days after receipt of the written appeal  
16 in accordance with chapter 120. The recommendation of the  
17 administrative law judge shall be made to the school board. A  
18 majority vote of the membership of the school board shall be  
19 required to sustain or change the administrative law judge's  
20 recommendation. The determination of the school board shall be  
21 final as to the sufficiency or insufficiency of the grounds  
22 for termination of employment.

23       Section 2. This act shall take effect July 1, 1999.

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26                   SENATE SUMMARY

27       Clarifies provisions that require an employee of a school  
28       district who is under a professional service contract and  
29       who fails to demonstrate corrective action following a  
30       notice of unsatisfactory performance to be placed on  
31       probation for 90 days. Provides for the employee to be  
      evaluated to determine if the performance deficiencies  
      have been corrected. Provides for a recommendation by the  
      superintendent. Provides for a hearing by the school  
      board or an administrative law judge to contest the  
      superintendent's recommendation.