

Bill No. CS for SB 2986

Amendment No. ____ Barcode 803108

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following **amendment to amendment**
(935042):

Senate Amendment (with title amendment)

On page 25, between lines 26 and 27,

insert:

Section 10. Subsection (3) of section 1012.34, Florida
Statutes, is amended to read:

1012.34 Assessment procedures and criteria.--

(3) The assessment procedure for instructional
personnel and school administrators must be primarily based on
the performance of students assigned to their classrooms or
schools, as appropriate. Pursuant to this section, a school
district's performance assessment is not limited to basing
unsatisfactory performance of instructional personnel and
school administrators upon student performance, but may
include other criteria approved to assess instructional
personnel and school administrators' performance, or any
combination of student performance and other approved
criteria. The procedures must comply with, but are not limited

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1 to, the following requirements:

2 (a) An assessment must be conducted for each employee
3 at least once a year. The assessment must be based upon sound
4 educational principles and contemporary research in effective
5 educational practices. The assessment must primarily use data
6 and indicators of improvement in student performance assessed
7 annually as specified in s. 1008.22 and may consider results
8 of peer reviews in evaluating the employee's performance.
9 Student performance must be measured by state assessments
10 required under s. 1008.22 and by local assessments for
11 subjects and grade levels not measured by the state assessment
12 program. The assessment criteria must include, but are not
13 limited to, indicators that relate to the following:

- 14 1. Performance of students.
- 15 2. Ability to maintain appropriate discipline.
- 16 3. Knowledge of subject matter. The district school
17 board shall make special provisions for evaluating teachers
18 who are assigned to teach out-of-field.
- 19 4. Ability to plan and deliver instruction, including
20 the use of technology in the classroom.
- 21 5. Ability to evaluate instructional needs.
- 22 6. Ability to establish and maintain a positive
23 collaborative relationship with students' families to increase
24 student achievement.
- 25 7. Other professional competencies, responsibilities,
26 and requirements as established by rules of the State Board of
27 Education and policies of the district school board.

28 (b) All personnel must be fully informed of the
29 criteria and procedures associated with the assessment process
30 before the assessment takes place.

31 (c) The individual responsible for supervising the

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1 | employee must assess the employee's performance. The evaluator
2 | must submit a written report of the assessment to the district
3 | school superintendent for the purpose of reviewing the
4 | employee's contract. The evaluator must submit the written
5 | report to the employee no later than 10 days after the
6 | assessment takes place. The evaluator must discuss the written
7 | report of assessment with the employee. The employee shall
8 | have the right to initiate a written response to the
9 | assessment, and the response shall become a permanent
10 | attachment to his or her personnel file.

11 | (d) If an employee is not performing his or her duties
12 | in a satisfactory manner, the evaluator shall notify the
13 | employee in writing of such determination. The notice must
14 | describe such unsatisfactory performance and include notice of
15 | the following procedural requirements:

16 | 1. Upon delivery of a notice of unsatisfactory
17 | performance, the evaluator must confer with the employee, make
18 | recommendations with respect to specific areas of
19 | unsatisfactory performance, and provide assistance in helping
20 | to correct deficiencies within a prescribed period of time.

21 | 2.a. If the employee holds a professional service
22 | contract as provided in s. 1012.33, the employee shall be
23 | placed on performance probation and governed by the provisions
24 | of this section for 90 calendar days following the receipt of
25 | the notice of unsatisfactory performance to demonstrate
26 | corrective action. School holidays and school vacation periods
27 | are not counted when calculating the 90-calendar-day period.
28 | During the 90 calendar days, the employee who holds a
29 | professional service contract must be evaluated periodically
30 | and apprised of progress achieved and must be provided
31 | assistance and inservice training opportunities to help

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1 correct the noted performance deficiencies. At any time during
2 the 90 calendar days, the employee who holds a professional
3 service contract may request a transfer to another appropriate
4 position with a different supervising administrator; however,
5 a transfer does not extend the period for correcting
6 performance deficiencies.

7 b. Within 14 days after the close of the 90 calendar
8 days, the evaluator must assess whether the performance
9 deficiencies have been corrected and forward a recommendation
10 to the district school superintendent. Within 14 days after
11 receiving the evaluator's recommendation, the district school
12 superintendent must notify the employee who holds a
13 professional service contract in writing whether the
14 performance deficiencies have been satisfactorily corrected
15 and whether the district school superintendent will recommend
16 that the district school board continue or terminate his or
17 her employment contract. If the employee wishes to contest the
18 district school superintendent's recommendation, the employee
19 must, within 15 days after receipt of the district school
20 superintendent's recommendation, submit a written request for
21 a hearing. The hearing shall be conducted at the district
22 school board's election in accordance with one of the
23 following procedures:

24 (I) A direct hearing conducted by the district school
25 board within 60 days after receipt of the written appeal. The
26 hearing shall be conducted in accordance with the provisions
27 of ss. 120.569 and 120.57. A majority vote of the membership
28 of the district school board shall be required to sustain the
29 district school superintendent's recommendation. The
30 determination of the district school board shall be final as
31 to the sufficiency or insufficiency of the grounds for

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1 termination of employment; or
 2 (II) A hearing conducted by an administrative law
 3 judge assigned by the Division of Administrative Hearings of
 4 the Department of Management Services. The hearing shall be
 5 conducted within 60 days after receipt of the written appeal
 6 in accordance with chapter 120. The recommendation of the
 7 administrative law judge shall be made to the district school
 8 board. A majority vote of the membership of the district
 9 school board shall be required to sustain or change the
 10 administrative law judge's recommendation. The determination
 11 of the district school board shall be final as to the
 12 sufficiency or insufficiency of the grounds for termination of
 13 employment.

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 15 (Redesignate subsequent sections.)

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 18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 69, line 22, after the first semicolon,
 21
 22 insert:
 23 amending s. 1012.34, F.S.; providing additional
 24 reference to assessment criteria for
 25 instructional personnel and school
 26 administrators;

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