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CHAMBER ACTION

Senate

House

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Floor: 6/RS/2R
4/30/2008 4:05 PM

1 Senator Deutch moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Between line(s) 1189 and 1190,
5 insert:

6 Section 20. Subsection (3) of section 1012.34, Florida
7 Statutes, is amended to read:

8 1012.34 Assessment procedures and criteria.--

9 (3) The assessment procedure for instructional personnel
10 and school administrators must consider ~~be primarily based on~~ the
11 performance of students assigned to their classrooms or schools,
12 as appropriate. Pursuant to this section, a school district's
13 performance assessment is not limited to basing unsatisfactory
14 performance of instructional personnel and school administrators
15 upon student performance, but may include other criteria approved
16 to assess instructional personnel and school administrators'
17 performance, or any combination of student performance and other



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18 approved criteria. The procedures must comply with, but are not
19 limited to, the following requirements:

20 (a) An assessment must be conducted for each employee at
21 least once a year. The assessment must be based upon sound
22 educational principles and contemporary research in effective
23 educational practices. The assessment must primarily use data and
24 indicators of improvement in student performance assessed
25 annually as specified in s. 1008.22 and may consider results of
26 peer reviews in evaluating the employee's performance. Student
27 performance must be measured by state assessments required under
28 s. 1008.22 and by local assessments for subjects and grade levels
29 not measured by the state assessment program. The assessment
30 criteria must include, but are not limited to, indicators that
31 relate to the following:

- 32 1. Performance of students.
- 33 2. Ability to maintain appropriate discipline.
- 34 3. Knowledge of subject matter. The district school board
35 shall make special provisions for evaluating teachers who are
36 assigned to teach out-of-field.
- 37 4. Ability to plan and deliver instruction and the use of
38 technology in the classroom.
- 39 5. Ability to evaluate instructional needs.
- 40 6. Ability to establish and maintain a positive
41 collaborative relationship with students' families to increase
42 student achievement.
- 43 7. Other professional competencies, responsibilities, and
44 requirements as established by rules of the State Board of
45 Education and policies of the district school board.



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46 (b) All personnel must be fully informed of the criteria
47 and procedures associated with the assessment process before the
48 assessment takes place.

49 (c) The individual responsible for supervising the employee
50 must assess the employee's performance. The evaluator must submit
51 a written report of the assessment to the district school
52 superintendent for the purpose of reviewing the employee's
53 contract. The evaluator must submit the written report to the
54 employee no later than 10 days after the assessment takes place.
55 The evaluator must discuss the written report of assessment with
56 the employee. The employee shall have the right to initiate a
57 written response to the assessment, and the response shall become
58 a permanent attachment to his or her personnel file.

59 (d) If an employee is not performing his or her duties in a
60 satisfactory manner, the evaluator shall notify the employee in
61 writing of such determination. The notice must describe such
62 unsatisfactory performance and include notice of the following
63 procedural requirements:

64 1. Upon delivery of a notice of unsatisfactory performance,
65 the evaluator must confer with the employee, make recommendations
66 with respect to specific areas of unsatisfactory performance, and
67 provide assistance in helping to correct deficiencies within a
68 prescribed period of time.

69 2.a. If the employee holds a professional service contract
70 as provided in s. 1012.33, the employee shall be placed on
71 performance probation and governed by the provisions of this
72 section for 90 calendar days following the receipt of the notice
73 of unsatisfactory performance to demonstrate corrective action.
74 School holidays and school vacation periods are not counted when
75 calculating the 90-calendar-day period. During the 90 calendar



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76 days, the employee who holds a professional service contract must
77 be evaluated periodically and apprised of progress achieved and
78 must be provided assistance and inservice training opportunities
79 to help correct the noted performance deficiencies. At any time
80 during the 90 calendar days, the employee who holds a
81 professional service contract may request a transfer to another
82 appropriate position with a different supervising administrator;
83 however, a transfer does not extend the period for correcting
84 performance deficiencies.

85 b. Within 14 days after the close of the 90 calendar days,
86 the evaluator must assess whether the performance deficiencies
87 have been corrected and forward a recommendation to the district
88 school superintendent. Within 14 days after receiving the
89 evaluator's recommendation, the district school superintendent
90 must notify the employee who holds a professional service
91 contract in writing whether the performance deficiencies have
92 been satisfactorily corrected and whether the district school
93 superintendent will recommend that the district school board
94 continue or terminate his or her employment contract. If the
95 employee wishes to contest the district school superintendent's
96 recommendation, the employee must, within 15 days after receipt
97 of the district school superintendent's recommendation, submit a
98 written request for a hearing. The hearing shall be conducted at
99 the district school board's election in accordance with one of
100 the following procedures:

101 (I) A direct hearing conducted by the district school board
102 within 60 days after receipt of the written appeal. The hearing
103 shall be conducted in accordance with the provisions of ss.
104 120.569 and 120.57. A majority vote of the membership of the
105 district school board shall be required to sustain the district



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106 school superintendent's recommendation. The determination of the
107 district school board shall be final as to the sufficiency or
108 insufficiency of the grounds for termination of employment; or

109 (II) A hearing conducted by an administrative law judge
110 assigned by the Division of Administrative Hearings of the
111 Department of Management Services. The hearing shall be conducted
112 within 60 days after receipt of the written appeal in accordance
113 with chapter 120. The recommendation of the administrative law
114 judge shall be made to the district school board. A majority vote
115 of the membership of the district school board shall be required
116 to sustain or change the administrative law judge's
117 recommendation. The determination of the district school board
118 shall be final as to the sufficiency or insufficiency of the
119 grounds for termination of employment.

120
121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 On line(s) 101, after the first semicolon,
124 insert:

125 amending s. 1012.34, F.S.; requiring that the assessment
126 procedure for instructional personnel and school
127 administrators must consider the performance of students
128 assigned to the classrooms or schools;