

By Senator Wise

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1 A bill to be entitled
2 An act relating to education personnel; providing a
3 short title; amending s. 1012.34, F.S.; revising
4 provisions related to the evaluation of instructional
5 personnel and school administrators; requiring that
6 the Department of Education approve school district
7 evaluation systems; requiring the Department of
8 Education to collect evaluation information from
9 school districts and to report such information to the
10 Governor and Legislature; providing requirements for
11 the evaluation systems; requiring that the State Board
12 of Education adopt a formula for school districts to
13 use in measuring growth in learning by students;
14 conforming provisions to changes made by the act;
15 amending s. 1008.22, F.S.; revising provisions
16 requiring school districts to develop and implement
17 end-of-course assessments; amending s. 1012.22, F.S.;
18 revising the powers and duties of the district school
19 board with respect to school district compensation and
20 salary schedules; requiring that certain performance
21 criteria be included in the adopted schedules;
22 revising the differentiated pay provisions; creating
23 s. 1012.335, F.S.; providing definitions; revising the
24 contract requirements for instructional personnel
25 hired on or after a certain date; requiring that the
26 State Board of Education adopt rules defining the term
27 "just cause"; providing guidelines for such term;
28 amending s. 1002.33, F.S.; requiring charter schools
29 to adopt a salary schedule for instructional personnel

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30 and school administrators which meets certain
31 requirements; requiring charter schools to comply with
32 requirements relating to personnel evaluation
33 procedures and criteria and certain contracts;
34 amending s. 1003.621, F.S.; providing additional
35 requirements for personnel in academically high-
36 performing school districts; amending s. 1012.07,
37 F.S.; revising the methodology for determining
38 critical teacher shortage areas; amending s.
39 1012.2315, F.S.; providing additional reporting
40 requirements concerning instructional personnel and
41 school administrator assignments; amending s. 1012.27,
42 F.S.; revising the criteria for transfer requests by
43 teachers; conforming provisions to changes made by the
44 act; amending s. 1012.28, F.S.; authorizing a
45 principal to refuse to accept the placement or
46 transfer of instructional personnel under certain
47 circumstances; amending s. 1012.33, F.S.; revising
48 provisions relating to contracts with certain
49 education personnel; requiring that a district school
50 board's decision to retain personnel be primarily
51 based on the employee's performance; repealing s.
52 1012.52, F.S., relating to legislative intent for
53 teacher quality; amending s. 1012.795, F.S.;
54 conforming provisions to changes made by the act;
55 authorizing school districts to seek an exemption from
56 the State Board of Education from the requirement of
57 certain laws; authorizing the State Board of Education
58 to adopt rules; providing for the repeal of certain

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59 special acts or general laws of local application
 60 related to instructional personnel in public schools
 61 or school districts; providing an exception; providing
 62 for severability; providing for application of a
 63 specified provision of the act; providing effective
 64 dates.

65

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

67

68 Section 1. This act may be cited as the "Race to the Top
 69 for Student Success Act."

70 Section 2. Effective upon this act becoming a law, section
 71 1012.34, Florida Statutes, is amended to read:

72 1012.34 Personnel evaluation ~~Assessment~~ procedures and
 73 criteria.—

74 (1) EVALUATION APPROVAL AND REPORTING.—

75 (a) For the purpose of increasing student achievement by
 76 improving the quality of instructional, administrative, and
 77 supervisory services in the public schools of the state, the
 78 district school superintendent shall establish procedures for
 79 evaluating ~~assessing~~ the performance of duties and
 80 responsibilities of all instructional, administrative, and
 81 supervisory personnel employed by the school district. Each
 82 school district shall annually report to the Department of
 83 Education the evaluation results of its evaluation system for
 84 instructional personnel and school administrators.

85 (b) The Department of Education must approve each
 86 district's evaluation systems for its instructional personnel
 87 and school administrators ~~instructional personnel assessment~~

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88 system. The Department of Education shall monitor each
89 district's implementation of its instructional personnel and
90 school administrator evaluation system for compliance with this
91 section.

92 (c) By December 1 of each year, the Commissioner of
93 Education shall report to the Governor, the President of the
94 Senate, and the Speaker of the House of Representatives the
95 approval and implementation status of each district's evaluation
96 system, including the aggregate performance results and findings
97 from the monitoring process for: classroom teachers, but
98 excluding substitute teachers; instructional personnel, as
99 defined in s. 1012.01(2)(b)-(d); and school administrators.

100 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
101 must ~~The following conditions must be considered in the design~~
102 ~~of the district's instructional personnel assessment system:~~

103 ~~(a) The system must~~ Be designed to support effective
104 instruction and student achievement, and the results must be
105 used to inform district and school level improvement plans.

106 ~~(b) The system must~~ Provide appropriate instruments,
107 procedures, and criteria for continuous quality improvement of
108 the professional skills, and the results must be used to inform
109 the professional development of instructional personnel and
110 school administrators.

111 ~~(c) The system must~~ Include a mechanism to examine
112 performance data from multiple sources, which includes giving
113 ~~give~~ parents an opportunity to provide input into employee
114 performance evaluations ~~assessments~~ when appropriate.

115 ~~(d) Identify~~ In addition to addressing generic teaching
116 competencies, districts must determine those teaching fields for

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117 which special evaluation procedures and criteria will be
118 developed.

119 (e) Differentiate among at least four levels of
120 performance, which include the following:

121 1. Highly effective.

122 2. Effective.

123 3. Needs improvement or, for instructional personnel in the
124 first 3 years of employment or in the first year of a new
125 teaching assignment, developing.

126 4. Unsatisfactory.

127

128 The Commissioner of Education shall consult with experts and
129 classroom teachers in developing the criteria for the
130 performance levels. ~~Each district school board may establish a~~
131 ~~peer assistance process. The plan may provide a mechanism for~~
132 ~~assistance of persons who are placed on performance probation as~~
133 ~~well as offer assistance to other employees who request it.~~

134 (f) ~~The district school board shall~~ Provide for training
135 programs that are based upon guidelines provided by the
136 department ~~of Education~~ to ensure that all individuals who have
137 ~~with~~ evaluation responsibilities understand the proper use of
138 the evaluation assessment criteria and procedures.

139 (g) Include a process for monitoring the effective and
140 consistent use of evaluation criteria by supervisors and
141 administrators.

142 (h) Include a process for evaluating the effectiveness of
143 the system itself in improving the level of instruction and
144 learning in the district's schools.

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146 In addition, each district school board may establish a peer
147 assistance process. This process may be a part of the regular
148 evaluation system or used to assist employees placed on
149 performance probation, beginning teachers, or those who request
150 assistance.

151 (3) EVALUATION CRITERIA.—The evaluation assessment
152 procedure for instructional personnel and school administrators
153 must be ~~primarily~~ based on the performance of students assigned
154 to their classrooms or schools, as provided in this section
155 ~~appropriate~~. Pursuant to this section, a school district's
156 performance evaluation assessment is not limited to basing
157 unsatisfactory performance of instructional personnel and school
158 administrators solely upon student performance, but may include
159 other criteria approved to evaluate assess instructional
160 personnel and school administrators' performance, or any
161 combination of student performance and other approved criteria.
162 The procedures must comply with, but are not limited to, the
163 following requirements:

164 (a) An evaluation assessment must be conducted for each
165 employee at least once a year, except that a first-year teacher
166 must be evaluated at least twice in the first year of teaching.
167 The evaluation assessment must be based upon sound educational
168 principles and contemporary research in effective educational
169 practices. ~~The assessment must primarily use data and indicators~~
170 ~~of improvement in student performance assessed annually as~~
171 ~~specified in s. 1008.22 and may consider results of peer reviews~~
172 ~~in evaluating the employee's performance. Student performance~~
173 ~~must be measured by state assessments required under s. 1008.22~~
174 ~~and by local assessments for subjects and grade levels not~~

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175 ~~measured by the state assessment program.~~ The evaluation
176 ~~assessment~~ criteria must include, but need ~~are~~ not be limited
177 to, indicators of that relate to the following:

178 1. Performance of students. The evaluation must base at
179 least 50 percent of the results on data and indicators of
180 student learning growth assessed annually by state assessments
181 or, for subjects and grade levels not measured by the state
182 assessments, by district assessments as provided in s.
183 1008.22(8). The school district must use the state-adopted
184 measure of student growth for all courses associated with state
185 assessments and must select comparable measures of student
186 growth for other grades and subjects as provided in subsection
187 (8).

188 a. For classroom teachers, excluding substitute teachers,
189 the student growth portion of the evaluation must include growth
190 data, as defined in subsection (8), for students assigned to the
191 teacher over the course of at least 3 years. If less than 3
192 years of data are available, the school district must include
193 the years for which data are available and may reduce the
194 percentage of the evaluation based on student growth to not less
195 than 40 percent.

196 b. For instructional personnel who are not classroom
197 teachers, the student growth portion of the evaluation must
198 include growth data on state assessments, as defined in
199 subsection (8), for students assigned to the instructional
200 personnel over the course of at least 3 years, or may include a
201 combination of growth data and other measurable student outcomes
202 that are specific to the personnel assignment, provided that the
203 student growth data account for not less than 30 percent of the

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204 evaluation. If less than 3 years of student growth data are
205 available, the district must include the years for which data
206 are available and may reduce the percentage of the evaluation
207 based on student growth to not less than 20 percent.

208 c. For school administrators, the student growth portion of
209 the evaluation must include growth data, as defined in
210 subsection (8), for students assigned to the school over the
211 course of at least 3 years. If less than 3 years of data are
212 available, the district must include the years for which data
213 are available, and may reduce the percentage of the evaluation
214 based on student growth to not less than 40 percent.

215 2. Instructional practice. For classroom teachers, criteria
216 must include indicators based on each of the Florida Educator
217 Accomplished Practices adopted by the State Board of Education.
218 For instructional personnel who are not classroom teachers,
219 performance criteria must be based on indicators of the Florida
220 Educator Accomplished Practices and may include specific job-
221 performance expectations related to student support.

222 3. Instructional leadership. For school administrators,
223 criteria must include indicators based on each of the leadership
224 standards adopted by the State Board of Education under s.
225 1012.986, including the following: performance measures related
226 to the effectiveness of the instructional personnel in the
227 school; the administrator's appropriate use of evaluation
228 criteria and procedures; recruitment and retention of effective
229 and highly effective classroom teachers; improvement in the
230 percentage of classroom teachers evaluated at the effective or
231 highly effective level; management of human, financial, and
232 material resources so as to maximize the share of resources used

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233 for direct instruction, as opposed to overhead or other
234 purposes; and other leadership practices that result in improved
235 student outcomes. The system must include a means to give
236 parents and instructional personnel an opportunity to provide
237 input into the administrator's performance evaluation, when
238 appropriate.

239 4. Professional responsibilities. This criteria must
240 include other professional responsibilities and employment
241 requirements, as established by the State Board of Education and
242 through policies of the district school board.

243 ~~2. Ability to maintain appropriate discipline.~~

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

247 ~~4. Ability to plan and deliver instruction and the use of~~
248 ~~technology in the classroom.~~

249 ~~5. Ability to evaluate instructional needs.~~

250 ~~6. Ability to establish and maintain a positive~~
251 ~~collaborative relationship with students' families to increase~~
252 ~~student achievement.~~

253 ~~7. Other professional competencies, responsibilities, and~~
254 ~~requirements as established by rules of the State Board of~~
255 ~~Education and policies of the district school board.~~

256 (b) All personnel must be fully informed of the criteria
257 and procedures associated with the evaluation ~~assessment~~ process
258 before the evaluation ~~assessment~~ takes place.

259 (c) The individual responsible for supervising the employee
260 must evaluate ~~assess~~ the employee's performance. The school
261 district's evaluation system may provide for the supervisor to

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262 consider input from other trained evaluators. The evaluator must
263 submit a written report of the evaluation ~~assessment~~ to the
264 district school superintendent for the purpose of reviewing the
265 employee's contract. The evaluator must submit the written
266 report to the employee no later than 10 days after the
267 evaluation ~~assessment~~ takes place. The evaluator must discuss
268 the written report of the evaluation ~~assessment~~ with the
269 employee. The employee shall have the right to initiate a
270 written response to the evaluation ~~assessment~~, and the response
271 shall become a permanent attachment to his or her personnel
272 file.

273 (d) A school district may amend an individual's evaluation
274 based upon assessment data from the current year if the data
275 become available within 60 days after the close of the school
276 year.

277 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
278 employee is not performing his or her duties in a satisfactory
279 manner, the evaluator shall notify the employee in writing of
280 such determination. The notice must describe such unsatisfactory
281 performance and include notice of the following procedural
282 requirements:

283 (a)1. Upon delivery of a notice of unsatisfactory
284 performance, the evaluator must confer with the employee, make
285 recommendations with respect to specific areas of unsatisfactory
286 performance, and provide assistance in helping to correct
287 deficiencies within a prescribed period of time.

288 (b)1.2.a. If the employee holds a professional service
289 contract as provided in s. 1012.33, the employee shall be placed
290 on performance probation and governed by the provisions of this

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291 section for 90 calendar days following the receipt of the notice
292 of unsatisfactory performance to demonstrate corrective action.
293 School holidays and school vacation periods are not counted when
294 calculating the 90-calendar-day period. During the 90 calendar
295 days, the employee who holds a professional service contract
296 must be evaluated periodically and apprised of progress achieved
297 and must be provided assistance and inservice training
298 opportunities to help correct the noted performance
299 deficiencies. At any time during the 90 calendar days, the
300 employee who holds a professional service contract may request a
301 transfer to another appropriate position with a different
302 supervising administrator, as provided in s. 1012.33; however,
303 if a transfer is granted, it does not extend the period for
304 correcting performance deficiencies.

305 ~~2.b.~~ Within 14 days after the close of the 90 calendar
306 days, the evaluator must evaluate ~~assess~~ whether the performance
307 deficiencies have been corrected and forward a recommendation to
308 the district school superintendent. Within 14 days after
309 receiving the evaluator's recommendation, the district school
310 superintendent must notify the employee who holds a professional
311 service contract in writing whether the performance deficiencies
312 have been satisfactorily corrected and whether the district
313 school superintendent will recommend that the district school
314 board continue or terminate his or her employment contract. If
315 the employee wishes to contest the district school
316 superintendent's recommendation, the employee must, within 15
317 days after receipt of the district school superintendent's
318 recommendation, submit a written request for a hearing. The
319 hearing shall be conducted at the district school board's

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320 election in accordance with one of the following procedures:

321 a.~~(I)~~ A direct hearing conducted by the district school
322 board within 60 days after receipt of the written appeal. The
323 hearing shall be conducted in accordance with the provisions of
324 ss. 120.569 and 120.57. A majority vote of the membership of the
325 district school board shall be required to sustain the district
326 school superintendent's recommendation. The determination of the
327 district school board shall be final as to the sufficiency or
328 insufficiency of the grounds for termination of employment; or

329 b.~~(II)~~ A hearing conducted by an administrative law judge
330 assigned by the Division of Administrative Hearings of the
331 Department of Management Services. The hearing shall be
332 conducted within 60 days after receipt of the written appeal in
333 accordance with chapter 120. The recommendation of the
334 administrative law judge shall be made to the district school
335 board. A majority vote of the membership of the district school
336 board shall be required to sustain or change the administrative
337 law judge's recommendation. The determination of the district
338 school board shall be final as to the sufficiency or
339 insufficiency of the grounds for termination of employment.

340 (5)~~(4)~~ ADDITIONAL NOTIFICATIONS.—The district school
341 superintendent shall notify the department of any instructional
342 personnel who receive two consecutive unsatisfactory evaluations
343 and who have been given written notice by the district that
344 their employment is being terminated or is not being renewed or
345 that the district school board intends to terminate, or not
346 renew, their employment. The department shall conduct an
347 investigation to determine whether action shall be taken against
348 the certificateholder pursuant to s. 1012.795~~(1)(e)~~.

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349 ~~(5) The district school superintendent shall develop a~~
350 ~~mechanism for evaluating the effective use of assessment~~
351 ~~criteria and evaluation procedures by administrators who are~~
352 ~~assigned responsibility for evaluating the performance of~~
353 ~~instructional personnel. The use of the assessment and~~
354 ~~evaluation procedures shall be considered as part of the annual~~
355 ~~assessment of the administrator's performance. The system must~~
356 ~~include a mechanism to give parents and teachers an opportunity~~
357 ~~to provide input into the administrator's performance~~
358 ~~assessment, when appropriate.~~

359 (6) LIMITATIONS. ~~Nothing in This section does not shall be~~
360 ~~construed to~~ grant a probationary employee a right to continued
361 employment beyond the term of his or her contract.

362 (7) ANNUAL REVIEW AND REVISIONS TO THE SCHOOL DISTRICT
363 EVALUATION SYSTEM. ~~The district school board shall establish a~~
364 ~~procedure for~~ annually reviewing instructional personnel and
365 school administrator evaluation assessment systems to determine
366 compliance with this section. All substantial revisions to an
367 approved system must be reviewed and approved by the district
368 school board before being used to evaluate ~~assess~~ instructional
369 personnel and school administrators. Upon request by a school
370 district, the department shall provide assistance in developing,
371 improving, or reviewing an evaluation ~~assessment~~ system.

372 (8) MEASUREMENT OF STUDENT GROWTH IN LEARNING. ~~—~~

373 (a) By June 1, 2011, the Commissioner of Education shall
374 adopt a formula to measure individual student growth on the
375 Florida Comprehensive Assessment Test administered under s.
376 1008.22(3)(c)1. The formula must take into account each
377 student's prior performance, grade level, and subject. In the

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378 development of the formula, the Commissioner of Education shall
379 consider other factors, including, but not limited to, student
380 attendance, student disciplinary records, student disabilities,
381 and student English language proficiency. The formula may not
382 set different expectations for student growth based on gender,
383 race, ethnicity, or socioeconomic status. The State Board of
384 Education shall adopt the formula into rule by October 1, 2012.

385 (b) Beginning with the 2011-2012 school year, each district
386 shall measure the growth in learning of each student using the
387 commissioner-adopted student growth measure for courses
388 associated with the FCAT. Beginning with the 2014-2015 school
389 year, each school district shall measure the growth in learning
390 for each student using a comparable measure of student growth
391 for other grades and subjects for which the school district has
392 selected appropriate student assessments under s. 1008.22(8).
393 The Department of Education shall provide model student growth
394 measures that school districts may adopt for this purpose.

395 (c) A school district may request through the evaluation
396 system approval process to use a student achievement measure
397 rather than a growth measure for courses for which achievement
398 is a more appropriate measure of instructional personnel
399 performance. A school district may request to use a combination
400 of growth and achievement.

401 (d) A school district may request through the evaluation
402 system approval process to include student growth demonstrated
403 on state assessments as a percentage of the evaluation of
404 classroom teachers who are assigned to courses not associated
405 with state assessments, if the growth remains based upon the
406 students assigned to the teacher and the percentage of growth

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407 for the teacher's assigned content area, as measured by the
408 district-selected assessment, is the greater percentage.

409 (e) For classroom teachers of courses for which the
410 district has not implemented appropriate assessments under s.
411 1008.22(8) or for which the school district has not adopted a
412 comparable measure of student growth under paragraphs (b)-(d),
413 student growth must be measured by the growth in learning of the
414 classroom teacher's students on state assessments, or, for
415 courses in which enrolled students do not take the state
416 assessment, measurable learning targets must be established
417 based upon the goals of the school improvement plan and approved
418 by the school principal. A district school superintendent may
419 assign instructional team student learning growth to
420 instructional personnel in lieu of overall student learning
421 growth of the school in reading and mathematics based upon the
422 state assessment program under s. 1008.22. This paragraph
423 expires July 1, 2015.

424 (9)(8) RULEMAKING.—The State Board of Education shall adopt
425 rules pursuant to ss. 120.536(1) and 120.54 which,~~that~~
426 establish uniform procedures ~~guidelines~~ for the submission,
427 review, and approval of district procedures for the annual
428 evaluation ~~assessment~~ of instructional personnel and school
429 administrators; the standards for each performance level
430 required under subsection (2); the measurement of student growth
431 in learning and associated implementation procedures required
432 under subsection (8); and a process for monitoring district
433 implementation of evaluation systems in accordance with this
434 section ~~and that include criteria for evaluating professional~~
435 ~~performance.~~

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436 Section 3. Subsection (8) of section 1008.22, Florida
437 Statutes, is amended to read:

438 1008.22 Student assessment program for public schools.—

439 (8) LOCAL ASSESSMENTS.—

440 (a) Measurement of the learning gains of students in all
441 subjects and grade levels other than subjects and grade levels
442 required for the state student achievement testing program is
443 the responsibility of the school districts.

444 (b) Beginning with the 2014-2015 school year, each school
445 district shall administer for each course offered in the
446 district a student assessment that measures mastery of the
447 content, as described in the state-adopted course description,
448 at the necessary level of rigor for the course. Such assessments
449 may include:

450 1. Statewide assessments under this section.

451 2. Other standardized assessments, including nationally
452 recognized standardized assessments.

453 3. Industry certification examinations.

454 4. District-developed or selected end-of-course
455 assessments.

456
457 This paragraph shall be implemented as the Commissioner of
458 Education identifies methods to assist and support districts in
459 the development and acquisition of assessments, as described in
460 paragraph (c).

461 (c) The Commissioner of Education shall identify methods to
462 assist and support districts in the development and acquisition
463 of assessments required under this subsection. Methods may
464 include the development of item banks, facilitation of the

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465 sharing of developed tests among districts, and technical
466 assistance in best professional practices of test development
467 based on state-adopted curriculum standards, administration, and
468 security.

469 Section 4. Paragraphs (c) and (e) of subsection (1) of
470 section 1012.22, Florida Statutes, are amended to read:

471 1012.22 Public school personnel; powers and duties of the
472 district school board.—The district school board shall:

473 (1) Designate positions to be filled, prescribe
474 qualifications for those positions, and provide for the
475 appointment, compensation, promotion, suspension, and dismissal
476 of employees as follows, subject to the requirements of this
477 chapter:

478 (c) *Compensation and salary schedules.*—

479 1. Definitions.—As used in this paragraph, the term:

480 a. “Salary schedule” means the schedule or schedules used
481 to provide the base pay for district school board personnel.

482 b. “Adjustment” means an addition to the base salary
483 schedule which is not a bonus, but becomes part of the
484 employee’s permanent base salary and is considered compensation
485 under s. 121.021(22).

486 c. “Supplement” means an annual addition to the base salary
487 schedule for the term of the negotiated supplement as long as
488 the employee continues his or her employment for the purpose of
489 the supplement. A supplement does not become part of the
490 employee’s continuing base salary but is considered compensation
491 under s. 121.021(22).

492 d. “Grandfathered salary schedule” means the schedule or
493 schedules adopted by a school district before July 1, 2014.

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494 e. "Performance salary schedule" means the schedule or
495 schedules adopted by a school district pursuant to subparagraph
496 3.

497 f. "Instructional personnel" means instructional personnel
498 as defined in s. 1012.01(2)(a)-(d), excluding substitute
499 teachers.

500 g. "School administrator" means school administrators as
501 defined in s. 1012.01(3)(c).

502 2. Grandfathered salary schedule.—The district school board
503 shall adopt a salary schedule or salary schedules to be used as
504 the basis for paying all school employees hired before July 1,
505 2014. In determining the grandfathered salary schedule for
506 instructional personnel, a district school board must base a
507 portion of each employee's compensation upon performance
508 demonstrated under s. 1012.34 and shall provide differentiated
509 pay for both instructional personnel and school administrators
510 based upon district-determined factors, including, but not
511 limited to, additional responsibilities, school demographics,
512 critical shortage areas, and level of job-performance
513 difficulties. Instructional personnel hired before July 1, 2014,
514 shall remain on the grandfathered salary schedule for as long as
515 the employee remains employed by the school district. However,
516 such instructional personnel may choose, at any time, to opt
517 into the performance salary schedule adopted under subparagraph
518 3. Once an individual has chosen to opt into the performance
519 salary schedule, he or she may not return to the grandfathered
520 salary schedule.

521 3. Performance salary schedule.—By July 1, 2014, the
522 district school board shall adopt a performance salary schedule

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523 that provides annual salary adjustments for instructional
524 personnel and school administrators based upon performance
525 determined under s. 1012.34. Employees hired on or after July 1,
526 2014, shall be compensated pursuant to the performance salary
527 schedule once they have received appropriate evaluation for this
528 purpose, except that an instructional employee whose evaluation
529 uses solely student growth measures established under s.
530 1012.34(8)(e) shall remain under the grandfathered salary
531 schedule until his or her teaching assignment changes or the
532 district establishes comparable measures of student learning
533 growth, as defined under that section and rules of the State
534 Board of Education.

535 a. Base salary.—The base salary shall be established as
536 follows:

537 (I) The base salary for all instructional personnel and
538 school administrators returning subsequent to the 2014-2015
539 school year shall be the salary paid in the prior year,
540 including adjustments only. The total salary and adjustments
541 shall be prorated based upon the respective contract days for
542 the school year.

543 (II) Instructional personnel or school administrators new
544 to the district, returning to the district after a break in
545 service without an authorized leave of absence, or appointed for
546 the first time to a position in the district in the capacity of
547 instructional personnel or school administrators shall be placed
548 on the performance salary schedule in accordance with the
549 collective bargaining contract.

550 b. Salary adjustments.—Salary adjustments for highly
551 effective or effective performance shall be established as

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552 follows:

553 (I) The annual salary adjustment under the performance
554 salary schedule for an employee rated as highly effective must
555 be greater than the highest annual salary adjustment available
556 to an employee of the same classification through any other
557 salary schedule adopted by the district.

558 (II) The annual salary adjustment under the performance
559 salary schedule for an employee rated as effective must be equal
560 to at least 50 percent and no more than 75 percent of the annual
561 adjustment provided for a highly effective employee of the same
562 classification.

563 (III) The performance salary schedule shall not provide an
564 annual salary adjustment for employees who receive a rating
565 other than highly effective or effective for the year.

566 c. Salary supplements.—In addition to the schedules for
567 salary adjustments, each school district shall provide a
568 schedule for salary supplements that include, but are not
569 limited to, the following:

570 (I) Assignment to a Title-I-eligible school;

571 (II) Assignment to a school in the bottom two categories of
572 the school improvement system under s. 1008.33 such that the
573 supplement remains in force for at least 1 year following
574 improved performance in that school;

575 (III) Certification and teaching in critical teacher
576 shortage areas. Statewide critical teacher shortage areas shall
577 be identified by the State Board of Education. However, the
578 district school board may define additional areas of critical
579 shortage within the school district and may remove areas
580 identified by the State Board of Education that do not apply

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581 within the school district; and

582 (IV) Assignment of additional academic responsibilities.

583 d. Cost-of-living adjustments.—A district school board may
584 provide a cost-of-living salary adjustment if:

585 (I) The adjustment does not discriminate among comparable
586 classes of employees based upon the salary schedule under which
587 they are compensated.

588 (II) Does not exceed 50 percent of the annual adjustment
589 provided to instructional personnel rated as effective.

590 e. Advanced degrees.—Beginning with instructional personnel
591 hired on or after July 1, 2011, a district school board may not
592 use advanced degrees in setting a salary schedule unless the
593 advanced degree is held in the instructional personnel's area of
594 certification.

595

596 If budget constraints in any given year limit a district school
597 board's ability to fully fund all adopted salary schedules, the
598 performance salary schedule shall not be reduced, either on the
599 basis of total cost or the value of individual awards, in a
600 manner that is proportionally greater than reductions to any
601 other salary schedules adopted by the district. ~~The district~~
602 school board shall adopt a salary schedule or salary schedules
603 designed to furnish incentives for improvement in training and
604 for continued efficient service to be used as a basis for paying
605 all school employees and fix and authorize the compensation of
606 school employees on the basis thereof.

607 ~~2. A district school board, in determining the salary~~
608 ~~schedule for instructional personnel, must base a portion of~~
609 ~~each employee's compensation on performance demonstrated under~~

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610 ~~s. 1012.34, must consider the prior teaching experience of a~~
611 ~~person who has been designated state teacher of the year by any~~
612 ~~state in the United States, and must consider prior professional~~
613 ~~experience in the field of education gained in positions in~~
614 ~~addition to district level instructional and administrative~~
615 ~~positions.~~

616 ~~3. In developing the salary schedule, the district school~~
617 ~~board shall seek input from parents, teachers, and~~
618 ~~representatives of the business community.~~

619 ~~4. Beginning with the 2007-2008 academic year, each~~
620 ~~district school board shall adopt a salary schedule with~~
621 ~~differentiated pay for both instructional personnel and school-~~
622 ~~based administrators. The salary schedule is subject to~~
623 ~~negotiation as provided in chapter 447 and must allow~~
624 ~~differentiated pay based on district-determined factors,~~
625 ~~including, but not limited to, additional responsibilities,~~
626 ~~school demographics, critical shortage areas, and level of job~~
627 ~~performance difficulties.~~

628 ~~(e) *Transfer and promotion.*—The district school board shall~~
629 ~~act on recommendations of the district school superintendent~~
630 ~~regarding transfer and promotion of any employee. The district~~
631 ~~school board's primary consideration in approving a promotion~~
632 ~~must be the individual's demonstrated effectiveness under s.~~
633 ~~1012.34.~~

634 Section 5. Section 1012.335, Florida Statutes, is created
635 to read:

636 1012.335 Contracts with instructional personnel hired on or
637 after July 1, 2011.—

638 (1) DEFINITIONS.—For purposes of this section, the term:

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639 (a) "Instructional personnel" means those personnel defined
640 in s. 1012.01(2)(a)-(d), excluding substitute teachers.

641 (b) "Probationary contract" means an employment contract
642 for a period of 1 school year awarded to instructional personnel
643 upon initial employment in a school district. Probationary
644 contract employees may be dismissed without cause or may resign
645 without breach of contract.

646 (c) "Annual contract" means an employment contract for a
647 period of no longer than 1 school year which the district school
648 board may choose to award or not award without cause.

649 (2) EMPLOYMENT.—

650 (a) Beginning July 1, 2011, each individual newly hired as
651 instructional personnel by a Florida school district shall be
652 employed based upon the requirements of this section.

653 (b) The district school board may issue an annual contract
654 to instructional personnel who have successfully completed the
655 probationary contract or may award an additional annual contract
656 if the individual:

657 1. Holds a professional certificate or temporary
658 certificate issued pursuant to s. 1012.56 and rules of the State
659 Board of Education.

660 2. Has been recommended by the district school
661 superintendent for the annual contract based upon the
662 individual's evaluation, as determined under s. 1012.34, and
663 approved by the district school board.

664 3. Has not received two consecutive unsatisfactory
665 evaluations under s. 1012.34, two unsatisfactory evaluations
666 within a 3-year period under s. 1012.34, or three evaluations of
667 needs improvement within any 5-year period under s. 1012.34.

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668 (3) VIOLATION OF ANNUAL CONTRACT.—Instructional personnel
669 who accept an offer in writing from the district school board
670 and who leave their position without prior release from the
671 district school board are subject to the jurisdiction of the
672 Education Practices Commission.

673 (4) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL
674 CONTRACT.—Instructional personnel who have an annual contract
675 may be suspended or dismissed at any time during the term of the
676 contract for just cause as provided in subsection (5). The
677 district school board must notify the instructional personnel in
678 writing whenever charges are made against the instructional
679 personnel, and the district school board may suspend him or her
680 without pay. However, if the charges are not sustained, the
681 instructional personnel shall be immediately reinstated and his
682 or her back pay shall be paid. In order to contest the charges,
683 the instructional personnel must, within 15 days after receipt
684 of the written notice, submit a written request for a hearing to
685 the district school board. The district school board or a
686 subcommittee thereof shall conduct a direct hearing within 60
687 days after receipt of the written appeal. The hearing shall be
688 conducted in accordance with ss. 120.569 and 120.57. A majority
689 vote of the membership of the district school board is required
690 to sustain the superintendent's recommendation. The district
691 school board's determination is final as to the sufficiency or
692 insufficiency of the grounds for suspension without pay or
693 dismissal. Any decision that is adverse to the instructional
694 personnel may be appealed by the instructional personnel
695 pursuant to s. 120.68 if the appeal is filed within 30 days
696 after the decision of the district school board.

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697 (5) JUST CAUSE.—The State Board of Education shall adopt
698 rules pursuant to ss. 120.536(1) and 120.54 to define the term
699 “just cause.” Just cause includes, but is not limited to:

700 (a) Immorality.

701 (b) Misconduct in office.

702 (c) Incompetency.

703 (d) Gross insubordination.

704 (e) Willful neglect of duty.

705 (f) Being convicted or found guilty of, or entering a plea
706 of guilty to, regardless of adjudication of guilt, any crime
707 involving moral turpitude.

708 (g) Unsatisfactory performance, as described in s. 1012.34.

709 Section 6. Paragraph (b) of subsection (16) of section
710 1002.33, Florida Statutes, is amended to read:

711 1002.33 Charter schools.—

712 (16) EXEMPTION FROM STATUTES.—

713 (b) Additionally, a charter school shall be in compliance
714 with the following statutes:

715 1. Section 286.011, relating to public meetings and
716 records, public inspection, and criminal and civil penalties.

717 2. Chapter 119, relating to public records.

718 3. Section 1003.03, relating to the maximum class size,
719 except that the calculation for compliance pursuant to s.
720 1003.03 shall be the average at the school level.

721 4. Section 1012.22(1)(c), relating to compensation and
722 salary schedules.

723 5. Section 1012.33(5), relating to workforce reductions.

724 6. Section 1012.335, relating to contracts with
725 instructional personnel hired on or after July 1, 2011.

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726 7. Section 1012.34, relating to performance evaluations for
727 instructional personnel and school administrators.

728 Section 7. Paragraph (h) of subsection (2) of section
729 1003.621, Florida Statutes, is amended to read:

730 1003.621 Academically high-performing school districts.—It
731 is the intent of the Legislature to recognize and reward school
732 districts that demonstrate the ability to consistently maintain
733 or improve their high-performing status. The purpose of this
734 section is to provide high-performing school districts with
735 flexibility in meeting the specific requirements in statute and
736 rules of the State Board of Education.

737 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
738 high-performing school district shall comply with all of the
739 provisions in chapters 1000-1013, and rules of the State Board
740 of Education which implement these provisions, pertaining to the
741 following:

742 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
743 differentiated compensation and salary schedules and public
744 school personnel, respectively; s. 1012.34, relating to
745 personnel evaluation procedures and criteria; and ss. 1012.33
746 and 1012.335, relating to contracts with instructional
747 personnel, staff, supervisors, and school administrators ~~pay and~~
748 ~~performance pay policies for school administrators and~~
749 ~~instructional personnel. Professional service contracts are~~
750 ~~subject to the provisions of ss. 1012.33 and 1012.34.~~

751 Section 8. Section 1012.07, Florida Statutes, is amended to
752 read:

753 1012.07 Identification of critical teacher shortage areas.—
754 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~

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755 "critical teacher shortage area" means high-need content areas
756 ~~applies to mathematics, science, career education, and high-~~
757 priority high priority location areas identified by the State
758 Board of Education ~~may identify career education programs having~~
759 ~~critical teacher shortages~~. The State Board of Education shall
760 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
761 annually identify ~~other~~ critical teacher shortage areas ~~and high~~
762 ~~priority location areas~~. The state board must ~~shall~~ also
763 consider current and emerging educational requirements and
764 workforce demands ~~teacher characteristics such as ethnic~~
765 ~~background, race, and sex~~ in determining critical teacher
766 shortage areas. School grade levels may also be designated
767 critical teacher shortage areas. Individual district school
768 boards may identify and submit other critical teacher shortage
769 areas. Such submissions ~~shortages~~ must be aligned to current and
770 emerging educational requirements and workforce demands in order
771 to be certified to and approved by the State Board of Education.
772 High priority location areas shall be in high-density, low-
773 economic urban schools, ~~and~~ low-density, low-economic rural
774 schools, and schools identified as lowest performing under s.
775 1008.33(4)(b) ~~shall include schools which meet criteria which~~
776 ~~include, but are not limited to, the percentage of free lunches,~~
777 ~~the percentage of students under Chapter I of the Education~~
778 ~~Consolidation and Improvement Act of 1981, and the faculty~~
779 ~~attrition rate.~~

780 ~~(2) This section shall be implemented only to the extent as~~
781 ~~specifically funded and authorized by law.~~

782 Section 9. Subsection (5) of section 1012.2315, Florida
783 Statutes, is amended to read:

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784 1012.2315 Assignment of teachers.-

785 (5) REPORTS ~~REPORT~~.-

786 (a) The Department of Education shall annually report the
787 percentage of classroom teachers and school administrators by
788 district and by school based on performance ratings reported by
789 each school district under s. 1012.34. The data must be reported
790 via the department's website in a manner that is accessible by
791 the public.

792 (b) Each school district shall annually report to the
793 parent of any student who is assigned to a classroom teacher or
794 school administrator having a performance rating of
795 "unsatisfactory," "needs improvement," or a combination of
796 "unsatisfactory" or "needs improvement" for 3 consecutive years
797 or more. ~~Schools graded "D" or "F" shall annually report their~~
798 ~~teacher-retention rate. Included in this report shall be reasons~~
799 ~~listed for leaving by each teacher who left the school for any~~
800 ~~reason.~~

801 Section 10. Subsections (1) and (2) of section 1012.27,
802 Florida Statutes, are amended to read:

803 1012.27 Public school personnel; powers and duties of
804 district school superintendent.-The district school
805 superintendent is responsible for directing the work of the
806 personnel, subject to the requirements of this chapter, and in
807 addition the district school superintendent shall perform the
808 following:

809 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.-

810 (a) Recommend to the district school board duties and
811 responsibilities which need to be performed and positions which
812 need to be filled to make possible the development of an

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813 adequate school program in the district.

814 (b) Recommend minimum qualifications of personnel for these
815 various positions, and nominate in writing persons to fill such
816 positions.

817

818 The district school superintendent's recommendations for filling
819 instructional positions at the school level must consider
820 nominations received from school principals of the respective
821 schools. Before transferring a teacher who holds a professional
822 teaching certificate from one school to another, including a
823 transfer requested under s. 1012.33, the district school
824 superintendent shall consult with the principal of the receiving
825 school and allow the principal to review the teacher's records,
826 including student performance demonstrated under s. 1012.34, and
827 interview the teacher. If, in the judgment of the principal,
828 students would not benefit from the placement, an alternative
829 placement may be sought. A principal may refuse the placement in
830 accordance with s. 1012.28(6).

831 (2) COMPENSATION AND SALARY SCHEDULES.—Prepare and
832 recommend to the district school board for adoption a salary
833 schedule or salary schedules in accordance with s. 1012.22. ~~The~~
834 ~~district school superintendent must recommend a salary schedule~~
835 ~~for instructional personnel which bases a portion of each~~
836 ~~employee's compensation on performance demonstrated under s.~~
837 ~~1012.34. In developing the recommended salary schedule, the~~
838 ~~district school superintendent shall include input from parents,~~
839 ~~teachers, and representatives of the business community.~~
840 ~~Beginning with the 2007-2008 academic year, the recommended~~
841 ~~salary schedule for classroom teachers shall be consistent with~~

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842 ~~the district's differentiated pay policy based upon s. 1012.22.~~

843 Section 11. Present subsection (6) of section 1012.28,
844 Florida Statutes, is renumbered as subsection (7), and a new
845 subsection (6) is added to that section, to read:

846 1012.28 Public school personnel; duties of school
847 principals.—

848 (6) A principal may refuse to accept the placement or
849 transfer of instructional personnel by the district school
850 superintendent to his or her school unless the instructional
851 personnel has a performance rating of "effective" or "highly
852 effective" under s. 1012.34.

853 Section 12. Paragraph (a) of subsection (1), paragraphs (a)
854 and (f) of subsection (3), and subsection (5) of section
855 1012.33, Florida Statutes, are amended to read:

856 1012.33 Contracts with instructional staff, supervisors,
857 and school principals.—

858 (1) (a) Each person employed as a member of the
859 instructional staff in any district school system shall be
860 properly certified pursuant to s. 1012.56 or s. 1012.57 or
861 employed pursuant to s. 1012.39 and shall be entitled to and
862 shall receive a written contract as specified in this section.
863 All such contracts, except continuing contracts as specified in
864 subsection (4), shall contain provisions for dismissal during
865 the term of the contract only for just cause. Just cause
866 includes, but is not limited to, the following instances, as
867 defined by rule of the State Board of Education: immorality,
868 misconduct in office, incompetency, two consecutive annual
869 performance ratings of "unsatisfactory" under s. 1012.34, gross
870 insubordination, willful neglect of duty, or being convicted or

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871 found guilty of, or entering a plea of guilty to, regardless of
872 adjudication of guilt, any crime involving moral turpitude.

873 (3) (a) Each district school board shall provide a
874 professional service contract as prescribed herein. Each member
875 of the instructional staff who completed the following
876 requirements prior to July 1, 1984, shall be entitled to and
877 shall be issued a continuing contract in the form prescribed by
878 rules of the state board pursuant to s. 231.36, Florida Statutes
879 (1981). Each member of the instructional staff who completes the
880 following requirements on or after July 1, 1984, shall be
881 entitled to and shall be issued a professional service contract
882 in the form prescribed by rules of the state board as provided
883 herein:

884 1. The member must hold a professional certificate as
885 prescribed by s. 1012.56 and rules of the State Board of
886 Education.

887 2. The member must have completed 3 years of probationary
888 service in the district during a period not in excess of 5
889 successive years, except for leave duly authorized and granted.

890 3. The member must have been recommended by the district
891 school superintendent for such contract and reappointed by the
892 district school board based on effective or highly effective
893 successful performance demonstrated under s. 1012.34 ~~of duties~~
894 ~~and demonstration of professional competence.~~

895 4. For any person newly employed as a member of the
896 instructional staff after June 30, 1997, the initial annual
897 contract shall include a 97-day probationary period during which
898 time the employee's contract may be terminated without cause or
899 the employee may resign without breach of contract.

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900 (f) The district school superintendent shall notify an
901 employee who holds a professional service contract on July 1,
902 1997, in writing, no later than 6 weeks prior to the end of the
903 evaluation ~~postschool conference~~ period, of performance
904 deficiencies which may result in termination of employment, if
905 not corrected during the subsequent evaluation period ~~year of~~
906 ~~employment (which shall be granted for an additional year in~~
907 ~~accordance with the provisions in subsection (1))~~. Except as
908 otherwise hereinafter provided, this action shall not be subject
909 to the provisions of chapter 120, but the following procedures
910 shall apply:

911 1. On receiving notice of unsatisfactory performance, the
912 employee, on request, shall be accorded an opportunity to meet
913 with the district school superintendent, or his or her designee,
914 for an informal review of the determination of unsatisfactory
915 performance.

916 2. An employee notified of unsatisfactory performance may
917 request an opportunity to be considered for a transfer to
918 another appropriate position, with a different supervising
919 administrator, for the subsequent year of employment. If the
920 request for the transfer is granted and is consistent with s.
921 1012.28(6), the district school superintendent shall annually
922 report to the department the total number of employees
923 transferred pursuant to this subparagraph, where they were
924 transferred, and the annual performance level of the employee as
925 determined under s. 1012.34 ~~what, if any, remediation was~~
926 ~~implemented to remediate the unsatisfactory performance.~~

927 3. During the subsequent evaluation period ~~year~~, the
928 employee shall be provided assistance and inservice training

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929 opportunities to help correct the noted performance
930 deficiencies. The employee shall also be evaluated periodically
931 so that he or she will be kept apprised of progress achieved.

932 4. Not later than 6 weeks prior to the close of the
933 postschool conference period of the subsequent year, the
934 district school superintendent, after receiving and reviewing
935 the recommendation required by s. 1012.34, shall notify the
936 employee, in writing, whether the performance deficiencies have
937 been corrected. If so, a new professional service contract shall
938 be issued to the employee. If the performance deficiencies have
939 not been corrected, the district school superintendent may
940 notify the district school board and the employee, in writing,
941 that the employee shall not be issued a new professional service
942 contract; however, if the recommendation of the district school
943 superintendent is not to issue a new professional service
944 contract, and if the employee wishes to contest such
945 recommendation, the employee will have 15 days from receipt of
946 the district school superintendent's recommendation to demand,
947 in writing, a hearing. In such hearing, the employee may raise
948 as an issue, among other things, the sufficiency of the district
949 school superintendent's charges of unsatisfactory performance.
950 Such hearing shall be conducted at the district school board's
951 election in accordance with one of the following procedures:

952 a. A direct hearing conducted by the district school board
953 within 60 days of receipt of the written appeal. The hearing
954 shall be conducted in accordance with the provisions of ss.
955 120.569 and 120.57. A majority vote of the membership of the
956 district school board shall be required to sustain the district
957 school superintendent's recommendation. The determination of the

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958 district school board shall be final as to the sufficiency or
959 insufficiency of the grounds for termination of employment; or

960 b. A hearing conducted by an administrative law judge
961 assigned by the Division of Administrative Hearings of the
962 Department of Management Services. The hearing shall be
963 conducted within 60 days of receipt of the written appeal in
964 accordance with chapter 120. The recommendation of the
965 administrative law judge shall be made to the district school
966 board. A majority vote of the membership of the district school
967 board shall be required to sustain or change the administrative
968 law judge's recommendation. The determination of the district
969 school board shall be final as to the sufficiency or
970 insufficiency of the grounds for termination of employment.

971 (5) If ~~Should~~ a district school board has ~~have~~ to choose
972 from among its personnel ~~who are on continuing contracts or~~
973 ~~professional service contracts~~ as to which should be retained at
974 a school or in the school district, such decisions shall be
975 based upon the performance evaluation under s. 1012.34, with
976 primary consideration given to those personnel within the
977 affected area whose students' growth in learning is greater ~~made~~
978 ~~pursuant to the terms of a collectively bargained agreement,~~
979 ~~when one exists. If no such agreement exists, the district~~
980 ~~school board shall prescribe rules to handle reductions in~~
981 ~~workforce.~~

982 Section 13. Section 1012.52, Florida Statutes, is repealed.

983 Section 14. Paragraph (h) of subsection (1) of section
984 1012.795, Florida Statutes, is amended to read:

985 1012.795 Education Practices Commission; authority to
986 discipline.-

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987 (1) The Education Practices Commission may suspend the
988 educator certificate of any person as defined in s. 1012.01(2)
989 or (3) for up to 5 years, thereby denying that person the right
990 to teach or otherwise be employed by a district school board or
991 public school in any capacity requiring direct contact with
992 students for that period of time, after which the holder may
993 return to teaching as provided in subsection (4); may revoke the
994 educator certificate of any person, thereby denying that person
995 the right to teach or otherwise be employed by a district school
996 board or public school in any capacity requiring direct contact
997 with students for up to 10 years, with reinstatement subject to
998 the provisions of subsection (4); may revoke permanently the
999 educator certificate of any person thereby denying that person
1000 the right to teach or otherwise be employed by a district school
1001 board or public school in any capacity requiring direct contact
1002 with students; may suspend the educator certificate, upon an
1003 order of the court or notice by the Department of Revenue
1004 relating to the payment of child support; or may impose any
1005 other penalty provided by law, if the person:

1006 (h) Has breached a contract, as provided in s. 1012.33(2)
1007 or s. 1012.335.

1008 Section 15. (1) Any school district that receives a grant
1009 of at least \$75 million from a private foundation for the
1010 purpose of improving the effectiveness of teachers within the
1011 school district may seek an annual exemption from the State
1012 Board of Education from requirements of the amendments made by
1013 this act to ss. 1012.22 and 1012.34, Florida Statutes.

1014 (2) In order to receive approval from the State Board of
1015 Education for an exemption under this section, a school district

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1016 must demonstrate to the State Board of Education that it is
1017 implementing the following:

1018 (a) A teacher appraisal system that uses student
1019 performance as the single greatest component of the teacher's
1020 evaluation.

1021 (b) A teacher compensation system that awards salary
1022 increases based on sustained student performance.

1023 (c) A teacher contract system that awards contracts based
1024 on student performance.

1025 (3) The State Board of Education shall annually renew a
1026 school district's exemption if the school district provides a
1027 progress report that demonstrates that the school district
1028 continues to meet the requirements of subsection (2).

1029 (4) The State Board of Education shall adopt rules pursuant
1030 to ss. 120.536(1) and 120.54, Florida Statutes, to establish the
1031 procedures for applying for an exemption under this section.

1032 Section 16. The provisions of any special act or general
1033 law of local application relating to contracts for instructional
1034 personnel in public schools or school districts in effect on or
1035 before the effective date of this act are repealed, with the
1036 exception of chapter 75-384, Laws of Florida.

1037 Section 17. If any provision of this act or its application
1038 to any person or circumstance is held invalid, the invalidity
1039 does not affect other provisions or applications of the act
1040 which can be given effect without the invalid provision or
1041 application, and to this end the provisions of this act are
1042 severable.

1043 Section 18. The amendments made by this act to s. 1012.33,
1044 Florida Statutes, apply to contracts newly entered into,

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1045 extended, or readopted on or after July 1, 2011, and to all
1046 contracts entered into on or after July 1, 2014.

1047 Section 19. Except as otherwise expressly provided in this
1048 act and except for this section, which shall take effect upon
1049 this act becoming a law, this act shall take effect July 1,
1050 2011.