

By the Committee on Education Pre-K - 12; and 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 the Commissioner of  
12          Education to select formulas for school districts to  
13          use in measuring growth in learning by students;  
14          requiring the State Board of Education to adopt  
15          formulas; conforming provisions to changes made by the  
16          act; amending s. 1008.22, F.S.; revising provisions  
17          requiring school districts to develop and implement  
18          end-of-course assessments; amending s. 1012.22, F.S.;  
19          revising the powers and duties of the district school  
20          board with respect to school district compensation and  
21          salary schedules; requiring that certain performance  
22          criteria be included in the adopted schedules;  
23          revising the differentiated pay provisions; creating  
24          s. 1012.335, F.S.; providing definitions; revising the  
25          contract requirements for instructional personnel  
26          hired on or after a certain date; requiring that the  
27          State Board of Education adopt rules defining the term  
28          "just cause"; providing guidelines for such term;  
29          providing that certain individuals who are hired as

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30 instructional personnel are ineligible for contracts  
31 issued under s. 1012.33, F.S.; amending s. 1002.33,  
32 F.S.; requiring charter schools to adopt a salary  
33 schedule for instructional personnel and school  
34 administrators which meets certain requirements;  
35 requiring charter schools to comply with requirements  
36 relating to personnel evaluation procedures and  
37 criteria and certain contracts; amending s. 1003.621,  
38 F.S.; providing additional requirements for personnel  
39 in academically high-performing school districts;  
40 amending s. 1012.07, F.S.; revising the methodology  
41 for determining critical teacher shortage areas;  
42 amending s. 1012.2315, F.S.; providing additional  
43 reporting requirements concerning instructional  
44 personnel and school administrator assignments;  
45 amending s. 1012.27, F.S.; revising the criteria for  
46 transfer requests by teachers; conforming provisions  
47 to changes made by the act; amending s. 1012.28, F.S.;  
48 authorizing a principal to refuse to accept the  
49 placement or transfer of instructional personnel under  
50 certain circumstances; amending s. 1012.33, F.S.;  
51 revising provisions relating to contracts with certain  
52 education personnel; requiring that a district school  
53 board's decision to retain personnel be primarily  
54 based on the employee's performance; repealing s.  
55 1012.52, F.S., relating to legislative intent for  
56 teacher quality; amending s. 1012.795, F.S.;  
57 conforming provisions to changes made by the act;  
58 authorizing school districts to seek an exemption from

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59 the State Board of Education from the requirement of  
60 certain laws; authorizing the State Board of Education  
61 to adopt rules; providing that a certain specified  
62 provision of law does not apply to any rulemaking  
63 required to administer the act; providing for the  
64 repeal of certain special acts or general laws of  
65 local application related to instructional personnel  
66 in public schools or school districts; providing an  
67 exception; providing for severability; providing for  
68 application of a specified provision of the act;  
69 providing effective dates.

70

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

72

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

75 Section 2. Effective upon this act becoming a law, section  
76 1012.34, Florida Statutes, is amended to read:

77 1012.34 Personnel evaluation ~~Assessment~~ procedures and  
78 criteria.—

79 (1) EVALUATION APPROVAL AND REPORTING.—

80 (a) For the purpose of increasing student achievement by  
81 improving the quality of instructional, administrative, and  
82 supervisory services in the public schools of the state, the  
83 district school superintendent shall establish procedures for  
84 evaluating ~~assessing~~ the performance of duties and  
85 responsibilities of all instructional, administrative, and  
86 supervisory personnel employed by the school district. Each  
87 school district shall annually report to the Department of

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88 Education the evaluation results of its evaluation system for  
89 instructional personnel and school administrators.

90 (b) The Department of Education must approve each  
91 district's evaluation systems for its instructional personnel  
92 and school administrators ~~instructional personnel assessment~~  
93 system. The Department of Education shall monitor each  
94 district's implementation of its instructional personnel and  
95 school administrator evaluation system for compliance with this  
96 section.

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

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

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

111 (b) ~~The system must~~ Provide appropriate instruments,  
112 procedures, and criteria for continuous quality improvement of  
113 the professional skills, and the results must be used to inform  
114 the professional development of instructional personnel and  
115 school administrators.

116 (c) ~~The system must~~ Include a mechanism to examine

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117 performance data from multiple sources, which includes giving  
118 ~~give~~ parents an opportunity to provide input into employee  
119 performance evaluations ~~assessments~~ when appropriate.

120 (d) Identify ~~In addition to addressing generic teaching~~  
121 ~~competencies, districts must determine~~ those teaching fields for  
122 which special evaluation procedures and criteria will be  
123 developed.

124 (e) Differentiate among four levels of performance, which  
125 include the following:

126 1. Highly effective.

127 2. Effective.

128 3. Needs improvement or, for instructional personnel in the  
129 first 3 years of employment or in the first year of a new  
130 teaching assignment who need improvement, developing.

131 4. Unsatisfactory.

132  
133 The Commissioner of Education shall consult with experts and  
134 classroom teachers in developing the criteria for the  
135 performance levels. In developing the criteria for the  
136 performance levels, the Commissioner of Education shall consult  
137 with a person appointed by each of the following associations:  
138 the Florida School Boards Association, the Florida Association  
139 of District School Superintendents, and the Florida Education  
140 Association. Each district school board may establish a peer  
141 assistance process. The plan may provide a mechanism for  
142 assistance of persons who are placed on performance probation as  
143 well as offer assistance to other employees who request it.

144 (f) ~~The district school board shall~~ Provide for training  
145 programs that are based upon guidelines provided by the

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146 department ~~of Education~~ to ensure that all individuals who have  
147 ~~with~~ evaluation responsibilities understand the proper use of  
148 the evaluation assessment criteria and procedures.

149 (g) Include a process for monitoring the effective and  
150 consistent use of evaluation criteria by supervisors and  
151 administrators.

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

155  
156 In addition, each district school board may establish a peer  
157 assistance process. This process may be a part of the regular  
158 evaluation system or used to assist employees placed on  
159 performance probation, beginning teachers, or those who request  
160 assistance.

161 (3) EVALUATION CRITERIA.—The evaluation assessment  
162 procedure for instructional personnel and school administrators  
163 must be ~~primarily~~ based on the performance of students assigned  
164 to their classrooms or schools, as provided in this section  
165 ~~appropriate~~. Pursuant to this section, a school district's  
166 performance evaluation assessment is not limited to basing  
167 unsatisfactory performance of instructional personnel and school  
168 administrators solely upon student performance, but may include  
169 other criteria approved to evaluate assess instructional  
170 personnel and school administrators' performance, or any  
171 combination of student performance and other approved criteria.  
172 The procedures must comply with, but are not limited to, the  
173 following requirements:

174 (a) An evaluation assessment must be conducted for each

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175 employee at least once a year, except that a newly hired  
176 classroom teacher must be evaluated at least twice in the first  
177 year of teaching in the school district. The evaluation  
178 ~~assessment~~ must be based upon sound educational principles and  
179 contemporary research in effective educational practices. The  
180 ~~assessment must primarily use data and indicators of improvement~~  
181 ~~in student performance assessed annually as specified in s.~~  
182 ~~1008.22 and may consider results of peer reviews in evaluating~~  
183 ~~the employee's performance. Student performance must be measured~~  
184 ~~by state assessments required under s. 1008.22 and by local~~  
185 ~~assessments for subjects and grade levels not measured by the~~  
186 ~~state assessment program.~~ The evaluation ~~assessment~~ criteria  
187 must include, but need ~~are~~ not be limited to, indicators of ~~that~~  
188 ~~relate to~~ the following:

189 1. Performance of students. The evaluation must base at  
190 least 50 percent of the results on data and indicators of  
191 student learning growth assessed annually by state assessments  
192 or, for subjects and grade levels not measured by the state  
193 assessments, by district assessments as provided in s.  
194 1008.22 (8). The school district must use the state-adopted  
195 measure of student growth for all courses associated with state  
196 assessments and must select comparable measures of student  
197 growth for other grades and subjects as provided in subsection  
198 (8).

199 a. For classroom teachers, excluding substitute teachers,  
200 the student growth portion of the evaluation must include growth  
201 data, as defined in subsection (8), for students assigned to the  
202 teacher over the course of at least 3 years. If less than 3  
203 years of data are available, the school district must include

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204 the years for which data are available and may reduce the  
205 percentage of the evaluation based on student growth to not less  
206 than 40 percent.

207 b. For instructional personnel who are not classroom  
208 teachers, the student growth portion of the evaluation must  
209 include growth data on state assessments, as defined in  
210 subsection (8), for students assigned to the instructional  
211 personnel over the course of at least 3 years, or may include a  
212 combination of growth data and other measurable student outcomes  
213 that are specific to the personnel assignment, provided that the  
214 student growth data account for not less than 30 percent of the  
215 evaluation. If less than 3 years of student growth data are  
216 available, the district must include the years for which data  
217 are available and may reduce the percentage of the evaluation  
218 based on student growth to not less than 20 percent.

219 c. For school administrators, the student growth portion of  
220 the evaluation must include growth data, as defined in  
221 subsection (8), for students assigned to the school over the  
222 course of at least 3 years. If less than 3 years of data are  
223 available, the district must include the years for which data  
224 are available, and may reduce the percentage of the evaluation  
225 based on student growth to not less than 40 percent.

226 2. Instructional practice. For classroom teachers, criteria  
227 must include indicators based on each of the Florida Educator  
228 Accomplished Practices adopted by the State Board of Education.  
229 For instructional personnel who are not classroom teachers,  
230 performance criteria must be based on indicators of the Florida  
231 Educator Accomplished Practices and may include specific job-  
232 performance expectations related to student support.



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233       3. Instructional leadership. For school administrators,  
234 criteria must include indicators based on each of the leadership  
235 standards adopted by the State Board of Education under s.  
236 1012.986, including the following: performance measures related  
237 to the effectiveness of the instructional personnel in the  
238 school; the administrator's appropriate use of evaluation  
239 criteria and procedures; recruitment and retention of effective  
240 and highly effective classroom teachers; improvement in the  
241 percentage of classroom teachers evaluated at the effective or  
242 highly effective level; management of human, financial, and  
243 material resources so as to maximize the share of resources used  
244 for direct instruction, as opposed to overhead or other  
245 purposes; and other leadership practices that result in improved  
246 student outcomes. The system must include a means to give  
247 parents and instructional personnel an opportunity to provide  
248 input into the administrator's performance evaluation, when  
249 appropriate.

250       4. Professional responsibilities. This criteria must  
251 include other professional responsibilities and employment  
252 requirements, as established by the State Board of Education and  
253 through policies of the district school board.

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

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

258       ~~4. Ability to plan and deliver instruction and the use of~~  
259 ~~technology in the classroom.~~

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

261       ~~6. Ability to establish and maintain a positive~~

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262 ~~collaborative relationship with students' families to increase~~  
263 ~~student achievement.~~

264 ~~7. Other professional competencies, responsibilities, and~~  
265 ~~requirements as established by rules of the State Board of~~  
266 ~~Education and policies of the district school board.~~

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

270 (c) The individual responsible for supervising the employee  
271 must evaluate ~~assess~~ the employee's performance. The evaluation  
272 system may provide for the evaluator to consider input from  
273 other personnel trained under paragraph (2)(f). The evaluator  
274 must submit a written report of the evaluation ~~assessment~~ to the  
275 district school superintendent for the purpose of reviewing the  
276 employee's contract. The evaluator must submit the written  
277 report to the employee no later than 10 days after the  
278 evaluation ~~assessment~~ takes place. The evaluator must discuss  
279 the written report of the evaluation ~~assessment~~ with the  
280 employee. The employee shall have the right to initiate a  
281 written response to the evaluation ~~assessment~~, and the response  
282 shall become a permanent attachment to his or her personnel  
283 file.

284 (d) An evaluator may amend an employee's evaluation based  
285 upon assessment data from the current school year if the data  
286 becomes available within 90 days after the close of the school  
287 year. The evaluator must then comply with the procedures set  
288 forth in paragraph (c).

289 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an  
290 employee is not performing his or her duties in a satisfactory

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291 manner, the evaluator shall notify the employee in writing of  
292 such determination. The notice must describe such unsatisfactory  
293 performance and include notice of the following procedural  
294 requirements:

295 (a)~~1.~~ Upon delivery of a notice of unsatisfactory  
296 performance, the evaluator must confer with the employee, make  
297 recommendations with respect to specific areas of unsatisfactory  
298 performance, and provide assistance in helping to correct  
299 deficiencies within a prescribed period of time.

300 (b)~~1.2.a.~~ If the employee holds a professional service  
301 contract as provided in s. 1012.33, the employee shall be placed  
302 on performance probation and governed by the provisions of this  
303 section for 90 calendar days following the receipt of the notice  
304 of unsatisfactory performance to demonstrate corrective action.  
305 School holidays and school vacation periods are not counted when  
306 calculating the 90-calendar-day period. During the 90 calendar  
307 days, the employee who holds a professional service contract  
308 must be evaluated periodically and apprised of progress achieved  
309 and must be provided assistance and inservice training  
310 opportunities to help correct the noted performance  
311 deficiencies. At any time during the 90 calendar days, the  
312 employee who holds a professional service contract may request a  
313 transfer to another appropriate position with a different  
314 supervising administrator; however, if a transfer is granted, it  
315 does not extend the period for correcting performance  
316 deficiencies.

317 2.b. Within 14 days after the close of the 90 calendar  
318 days, the evaluator must evaluate ~~assess~~ whether the performance  
319 deficiencies have been corrected and forward a recommendation to

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320 the district school superintendent. Within 14 days after  
321 receiving the evaluator's recommendation, the district school  
322 superintendent must notify the employee who holds a professional  
323 service contract in writing whether the performance deficiencies  
324 have been satisfactorily corrected and whether the district  
325 school superintendent will recommend that the district school  
326 board continue or terminate his or her employment contract. If  
327 the employee wishes to contest the district school  
328 superintendent's recommendation, the employee must, within 15  
329 days after receipt of the district school superintendent's  
330 recommendation, submit a written request for a hearing. The  
331 hearing shall be conducted at the district school board's  
332 election in accordance with one of the following procedures:

333 a.~~(I)~~ A direct hearing conducted by the district school  
334 board within 60 days after receipt of the written appeal. The  
335 hearing shall be conducted in accordance with the provisions of  
336 ss. 120.569 and 120.57. A majority vote of the membership of the  
337 district school board shall be required to sustain the district  
338 school superintendent's recommendation. The determination of the  
339 district school board shall be final as to the sufficiency or  
340 insufficiency of the grounds for termination of employment; or

341 b.~~(II)~~ A hearing conducted by an administrative law judge  
342 assigned by the Division of Administrative Hearings of the  
343 Department of Management Services. The hearing shall be  
344 conducted within 60 days after receipt of the written appeal in  
345 accordance with chapter 120. The recommendation of the  
346 administrative law judge shall be made to the district school  
347 board. A majority vote of the membership of the district school  
348 board shall be required to sustain or change the administrative

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349 law judge's recommendation. The determination of the district  
350 school board shall be final as to the sufficiency or  
351 insufficiency of the grounds for termination of employment.

352 (5)-(4) ADDITIONAL NOTIFICATIONS.—The district school  
353 superintendent shall notify the department of any instructional  
354 personnel who receive two consecutive unsatisfactory evaluations  
355 and who have been given written notice by the district that  
356 their employment is being terminated or is not being renewed or  
357 that the district school board intends to terminate, or not  
358 renew, their employment. The department shall conduct an  
359 investigation to determine whether action shall be taken against  
360 the certificateholder pursuant to s. 1012.795(1)(e).

361 ~~(5) The district school superintendent shall develop a~~  
362 ~~mechanism for evaluating the effective use of assessment~~  
363 ~~criteria and evaluation procedures by administrators who are~~  
364 ~~assigned responsibility for evaluating the performance of~~  
365 ~~instructional personnel. The use of the assessment and~~  
366 ~~evaluation procedures shall be considered as part of the annual~~  
367 ~~assessment of the administrator's performance. The system must~~  
368 ~~include a mechanism to give parents and teachers an opportunity~~  
369 ~~to provide input into the administrator's performance~~  
370 ~~assessment, when appropriate.~~

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

374 (7) ANNUAL REVIEW AND REVISIONS TO THE SCHOOL DISTRICT  
375 EVALUATION SYSTEM.—The district school board shall establish a  
376 procedure for annually reviewing instructional personnel and  
377 school administrator evaluation ~~assessment~~ systems to determine

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378 compliance with this section. All substantial revisions to an  
379 approved system must be reviewed and approved by the district  
380 school board before being used to evaluate ~~assess~~ instructional  
381 personnel and school administrators. Upon request by a school  
382 district, the department shall provide assistance in developing,  
383 improving, or reviewing an evaluation ~~assessment~~ system.

384 (8) MEASUREMENT OF STUDENT GROWTH IN LEARNING.—

385 (a) By June 1, 2011, the Commissioner of Education shall  
386 select a formula to measure individual student growth on the  
387 Florida Comprehensive Assessment Test administered under s.  
388 1008.22(3)(c)1. The formula must take into account each  
389 student's prior performance, grade level, and subject. In the  
390 development of the formula, the Commissioner of Education shall  
391 consider other factors, including, but not limited to, student  
392 attendance, student disciplinary records, student disabilities,  
393 and student English language proficiency. The formula may not  
394 set different expectations for student growth based on gender,  
395 race, ethnicity, or socioeconomic status. The commissioner shall  
396 select additional formulas as appropriate for the remainder of  
397 the statewide assessments included in s. 1008.22, beginning the  
398 2011-2012 school year, and continue to select formulas as new  
399 assessments are implemented into the state system. The State  
400 Board of Education shall adopt all formulas into rule, and shall  
401 adopt the formula for the FCAT into rule by October 1, 2012.

402 (b) Beginning with the 2011-2012 school year, each district  
403 shall measure the growth in learning of each student using the  
404 commissioner-adopted student growth measure for courses  
405 associated with the FCAT. Each district shall implement  
406 additional growth measures selected by the commissioner under

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407 paragraph (a) as they become available. Beginning with the 2014-  
408 2015 school year, each school district shall measure the growth  
409 in learning for each student using a comparable measure of  
410 student growth for other grades and subjects for which the  
411 school district has selected appropriate student assessments  
412 under s. 1008.22(8). The Department of Education shall provide  
413 model student growth measures that school districts may adopt  
414 for this purpose.

415 (c) A school district may request through the evaluation  
416 system approval process to use a student achievement measure  
417 rather than a growth measure for courses for which achievement  
418 is a more appropriate measure of instructional personnel  
419 performance. A school district may request to use a combination  
420 of growth and achievement.

421 (d) A school district may request through the evaluation  
422 system approval process to include student growth demonstrated  
423 on state assessments as a percentage of the evaluation of  
424 classroom teachers who are assigned to courses not associated  
425 with state assessments, if the growth remains based upon the  
426 students assigned to the teacher and the percentage of growth  
427 for the teacher's assigned content area, as measured by the  
428 district-selected assessment, is the greater percentage.

429 (e) For classroom teachers of courses for which the  
430 district has not implemented appropriate assessments under s.  
431 1008.22(8) or for which the school district has not adopted a  
432 comparable measure of student growth under paragraphs (b)-(d),  
433 student growth must be measured by the growth in learning of the  
434 classroom teacher's students on state assessments, or, for  
435 courses in which enrolled students do not take the state

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436 assessment, measurable learning targets must be established  
437 based upon the goals of the school improvement plan and approved  
438 by the school principal. A district school superintendent may  
439 assign instructional team student learning growth to  
440 instructional personnel in lieu of overall student learning  
441 growth of the school in reading and mathematics based upon the  
442 state assessment program under s. 1008.22.

443 (9)-(8) RULEMAKING.-The State Board of Education shall adopt  
444 rules pursuant to ss. 120.536(1) and 120.54 which, that  
445 establish uniform procedures guidelines for the submission,  
446 review, and approval of district evaluation systems and  
447 reporting requirements procedures for the annual evaluation  
448 assessment of instructional personnel and school administrators;  
449 the standards for each performance level required under  
450 subsection (2) to ensure sufficient differentiation in  
451 performance on the evaluation to measure the effectiveness of an  
452 employee and consistency in meaning across school districts; the  
453 measurement of student growth in learning and associated  
454 implementation procedures required under subsection (8); a  
455 process to permit instructional personnel to review the class  
456 roster for accuracy and to correct any mistakes relating to the  
457 identity of students for whom the individual is responsible; and  
458 a process for monitoring school district implementation of  
459 evaluations systems in accordance with this section and that  
460 include criteria for evaluating professional performance.

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

463 1008.22 Student assessment program for public schools.-

464 (8) LOCAL ASSESSMENTS.-



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465       (a) Measurement of the learning gains of students in all  
466 subjects and grade levels other than subjects and grade levels  
467 required for the state student achievement testing program is  
468 the responsibility of the school districts.

469       (b) Beginning with the 2014-2015 school year, each school  
470 district shall administer for each course offered in the  
471 district a student assessment that measures mastery of the  
472 content, as described in the state-adopted course description,  
473 at the necessary level of rigor for the course. Such assessments  
474 may include:

475           1. Statewide assessments.

476           2. Other standardized assessments, including nationally  
477 recognized standardized assessments.

478           3. Industry certification examinations.

479           4. District-developed or selected end-of-course  
480 assessments.

481  
482       This paragraph shall be implemented as the Commissioner of  
483 Education identifies methods to assist and support districts in  
484 the development and acquisition of assessments, as described in  
485 paragraph (c).

486       (c) The Commissioner of Education shall identify methods to  
487 assist and support districts in the development and acquisition  
488 of assessments required under this subsection. Methods may  
489 include the development of item banks, facilitation of the  
490 sharing of developed tests among districts, and technical  
491 assistance in best professional practices of test development  
492 based on state-adopted curriculum standards, administration, and  
493 security.

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

496 1012.22 Public school personnel; powers and duties of the  
497 district school board.—The district school board shall:

498 (1) Designate positions to be filled, prescribe  
499 qualifications for those positions, and provide for the  
500 appointment, compensation, promotion, suspension, and dismissal  
501 of employees as follows, subject to the requirements of this  
502 chapter:

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

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

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

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

511 c. “Supplement” means an annual addition to the base salary  
512 schedule for the term of the negotiated supplement as long as  
513 the employee continues his or her employment for the purpose of  
514 the supplement. A supplement does not become part of the  
515 employee’s continuing base salary but is considered compensation  
516 under s. 121.021(22).

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

519 e. “Performance salary schedule” means the schedule or  
520 schedules adopted by a school district pursuant to subparagraph  
521 3.

522 f. “Instructional personnel” means instructional personnel

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523 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
524 teachers.

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

527 2. Grandfathered salary schedule.—The district school board  
528 shall adopt a salary schedule or salary schedules to be used as  
529 the basis for paying all school employees hired before July 1,  
530 2014. In determining the grandfathered salary schedule for  
531 instructional personnel, a district school board must base a  
532 portion of each employee's compensation upon performance  
533 demonstrated under s. 1012.34 and shall provide differentiated  
534 pay for both instructional personnel and school administrators  
535 based upon district-determined factors, including, but not  
536 limited to, additional responsibilities, school demographics,  
537 critical shortage areas, and level of job-performance  
538 difficulties. Instructional personnel hired before July 1, 2014,  
539 shall remain on the grandfathered salary schedule for as long as  
540 the employee remains employed by the school district. However,  
541 such instructional personnel may choose, at any time, to opt  
542 into the performance salary schedule adopted under subparagraph  
543 3. Once an individual has chosen to opt into the performance  
544 salary schedule, he or she may not return to the grandfathered  
545 salary schedule.

546 3. Performance salary schedule.—By July 1, 2014, the  
547 district school board shall adopt a performance salary schedule  
548 that provides annual salary adjustments for instructional  
549 personnel and school administrators based upon performance  
550 determined under s. 1012.34. Employees hired on or after July 1,  
551 2014, or employees who choose to move from the grandfathered

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552 salary schedule to the performance salary schedule shall be  
553 compensated pursuant to the performance salary schedule once  
554 they have received appropriate evaluation for this purpose,  
555 except that an instructional employee whose evaluation uses  
556 solely student growth measures established under s.  
557 1012.34(8)(e) shall remain under the grandfathered salary  
558 schedule until his or her teaching assignment changes or the  
559 district establishes comparable measures of student learning  
560 growth, as defined under that section and rules of the State  
561 Board of Education.

562 a. Base salary.—The base salary shall be established as  
563 follows:

564 (I) The base salary for instructional personnel or school  
565 administrators who opt into the performance salary schedule  
566 shall be the salary paid in the prior year, including  
567 adjustments only, in accordance with the collective bargaining  
568 contract, if such contract exists.

569 (II) Instructional personnel or school administrators new  
570 to the district, returning to the district after a break in  
571 service without an authorized leave of absence, or appointed for  
572 the first time to a position in the district in the capacity of  
573 instructional personnel or school administrators shall be placed  
574 on the performance salary schedule in accordance with the  
575 collective bargaining contract, if such contract exists.

576 b. Salary adjustments.—Salary adjustments for highly  
577 effective or effective performance shall be established as  
578 follows:

579 (I) The annual salary adjustment under the performance  
580 salary schedule for an employee rated as highly effective must

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581 be greater than the highest annual salary adjustment available  
582 to an employee of the same classification through any other  
583 salary schedule adopted by the district.

584 (II) The annual salary adjustment under the performance  
585 salary schedule for an employee rated as effective must be equal  
586 to at least 50 percent and no more than 75 percent of the annual  
587 adjustment provided for a highly effective employee of the same  
588 classification.

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

592 c. Salary supplements.—In addition to the schedules for  
593 salary adjustments, each school district shall provide a  
594 schedule for salary supplements that include, but are not  
595 limited to, the following:

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

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

601 (III) Certification and teaching in critical teacher  
602 shortage areas. Statewide critical teacher shortage areas shall  
603 be identified by the State Board of Education. However, the  
604 district school board may define additional areas of critical  
605 shortage within the school district and may remove areas  
606 identified by the State Board of Education that do not apply  
607 within the school district; and

608 (IV) Assignment of additional academic responsibilities.

609 d. Cost-of-living adjustments.—A district school board may

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610 provide a cost-of-living salary adjustment if:

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

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

616 e. Advanced degrees.—A district school board may not use  
617 advanced degrees in setting a salary schedule for instructional  
618 personnel or school administrators hired on or after July 1,  
619 2011, unless the advanced degree is held in the individual's  
620 area of certification and is only a salary supplement.

621  
622 If budget constraints in any given year limit a district school  
623 board's ability to fully fund all adopted salary schedules, the  
624 performance salary schedule shall not be reduced, either on the  
625 basis of total cost or the value of individual awards, in a  
626 manner that is proportionally greater than reductions to any  
627 other salary schedules adopted by the district. ~~The district~~  
628 ~~school board shall adopt a salary schedule or salary schedules~~  
629 ~~designed to furnish incentives for improvement in training and~~  
630 ~~for continued efficient service to be used as a basis for paying~~  
631 ~~all school employees and fix and authorize the compensation of~~  
632 ~~school employees on the basis thereof.~~

633 ~~2. A district school board, in determining the salary~~  
634 ~~schedule for instructional personnel, must base a portion of~~  
635 ~~each employee's compensation on performance demonstrated under~~  
636 ~~s. 1012.34, must consider the prior teaching experience of a~~  
637 ~~person who has been designated state teacher of the year by any~~  
638 ~~state in the United States, and must consider prior professional~~

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639 ~~experience in the field of education gained in positions in~~  
640 ~~addition to district level instructional and administrative~~  
641 ~~positions.~~

642 ~~3. In developing the salary schedule, the district school~~  
643 ~~board shall seek input from parents, teachers, and~~  
644 ~~representatives of the business community.~~

645 ~~4. Beginning with the 2007-2008 academic year, each~~  
646 ~~district school board shall adopt a salary schedule with~~  
647 ~~differentiated pay for both instructional personnel and school-~~  
648 ~~based administrators. The salary schedule is subject to~~  
649 ~~negotiation as provided in chapter 447 and must allow~~  
650 ~~differentiated pay based on district-determined factors,~~  
651 ~~including, but not limited to, additional responsibilities,~~  
652 ~~school demographics, critical shortage areas, and level of job~~  
653 ~~performance difficulties.~~

654 ~~(e) *Transfer and promotion.*—The district school board shall~~  
655 ~~act on recommendations of the district school superintendent~~  
656 ~~regarding transfer and promotion of any employee. The district~~  
657 ~~school superintendent's primary consideration in recommending an~~  
658 ~~individual for a promotion must be the individual's demonstrated~~  
659 ~~effectiveness under s. 1012.34.~~

660 Section 5. Section 1012.335, Florida Statutes, is created  
661 to read:

662 1012.335 Contracts with instructional personnel hired on or  
663 after July 1, 2011.—

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

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

667 (b) "Probationary contract" means an employment contract

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668 for a period of 1 school year awarded to instructional personnel  
669 upon initial employment in a school district. Probationary  
670 contract employees may be dismissed without cause or may resign  
671 without breach of contract.

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

675 (2) EMPLOYMENT.—

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

679 (b) The district school board may issue an annual contract  
680 to instructional personnel who have successfully completed the  
681 probationary contract or may award an additional annual contract  
682 if the individual:

683 1. Holds a professional certificate or temporary  
684 certificate issued pursuant to s. 1012.56 and rules of the State  
685 Board of Education.

686 2. Has been recommended by the district school  
687 superintendent for the annual contract based upon the  
688 individual's evaluation, as determined under s. 1012.34, and  
689 approved by the district school board.

690 3. Has not received two consecutive unsatisfactory  
691 evaluations under s. 1012.34, two unsatisfactory evaluations  
692 within a 3-year period under s. 1012.34, or three evaluations of  
693 needs improvement within any 5-year period under s. 1012.34.

694 (3) VIOLATION OF ANNUAL CONTRACT.—Instructional personnel  
695 who accept an offer in writing from the district school board  
696 and who leave their position without prior release from the



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697 district school board are subject to the jurisdiction of the  
698 Education Practices Commission.

699 (4) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL  
700 CONTRACT.—Instructional personnel who have an annual contract  
701 may be suspended or dismissed at any time during the term of the  
702 contract for just cause as provided in subsection (5). The  
703 district school board must notify the instructional personnel in  
704 writing whenever charges are made against the instructional  
705 personnel, and the district school board may suspend him or her  
706 without pay. However, if the charges are not sustained, the  
707 instructional personnel shall be immediately reinstated and his  
708 or her back pay shall be paid. In order to contest the charges,  
709 the instructional personnel must, within 15 days after receipt  
710 of the written notice, submit a written request for a hearing to  
711 the district school board. The district school board or a  
712 subcommittee thereof shall conduct a direct hearing within 60  
713 days after receipt of the written appeal. The hearing shall be  
714 conducted in accordance with ss. 120.569 and 120.57. A majority  
715 vote of the membership of the district school board is required  
716 to sustain the superintendent's recommendation. The district  
717 school board's determination is final as to the sufficiency or  
718 insufficiency of the grounds for suspension without pay or  
719 dismissal. Any decision that is adverse to the instructional  
720 personnel may be appealed by the instructional personnel  
721 pursuant to s. 120.68 if the appeal is filed within 30 days  
722 after the decision of the district school board.

723 (5) JUST CAUSE.—The State Board of Education shall adopt  
724 rules pursuant to ss. 120.536(1) and 120.54 to define the term  
725 "just cause." Just cause includes, but is not limited to:

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- 726        (a) Immorality.
- 727        (b) Misconduct in office.
- 728        (c) Incompetency.
- 729        (d) Gross insubordination.
- 730        (e) Willful neglect of duty.
- 731        (f) Being convicted or found guilty of, or entering a plea  
732 of guilty to, regardless of adjudication of guilt, any crime  
733 involving moral turpitude.
- 734        (6) LIMITATION.—An individual newly hired by a school  
735 district under this section as instructional personnel is  
736 ineligible for any contract issued under s. 1012.33.
- 737        Section 6. Paragraph (b) of subsection (16) of section  
738 1002.33, Florida Statutes, is amended to read:
- 739        1002.33 Charter schools.—
- 740        (16) EXEMPTION FROM STATUTES.—
- 741        (b) Additionally, a charter school shall be in compliance  
742 with the following statutes:
- 743        1. Section 286.011, relating to public meetings and  
744 records, public inspection, and criminal and civil penalties.
- 745        2. Chapter 119, relating to public records.
- 746        3. Section 1003.03, relating to the maximum class size,  
747 except that the calculation for compliance pursuant to s.  
748 1003.03 shall be the average at the school level.
- 749        4. Section 1012.22(1)(c), relating to compensation and  
750 salary schedules.
- 751        5. Section 1012.33(5), relating to workforce reductions.
- 752        6. Section 1012.335, relating to contracts with  
753 instructional personnel hired on or after July 1, 2011.
- 754        7. Section 1012.34, relating to performance evaluations for

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755 instructional personnel and school administrators.

756 Section 7. Paragraph (h) of subsection (2) of section  
757 1003.621, Florida Statutes, is amended to read:

758 1003.621 Academically high-performing school districts.—It  
759 is the intent of the Legislature to recognize and reward school  
760 districts that demonstrate the ability to consistently maintain  
761 or improve their high-performing status. The purpose of this  
762 section is to provide high-performing school districts with  
763 flexibility in meeting the specific requirements in statute and  
764 rules of the State Board of Education.

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

770 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
771 differentiated compensation and salary schedules and public  
772 school personnel, respectively; s. 1012.34, relating to  
773 personnel evaluation procedures and criteria; and ss. 1012.33  
774 and 1012.335, relating to contracts with instructional  
775 personnel, staff, supervisors, and school administrators ~~pay and~~  
776 ~~performance-pay policies for school administrators and~~  
777 ~~instructional personnel. Professional service contracts are~~  
778 ~~subject to the provisions of ss. 1012.33 and 1012.34.~~

779 Section 8. Section 1012.07, Florida Statutes, is amended to  
780 read:

781 1012.07 Identification of critical teacher shortage areas.—

782 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59, The term~~  
783 "critical teacher shortage area" means high-need content areas

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784 ~~applies to mathematics, science, career education, and high-~~  
785 ~~priority high priority~~ location areas identified by. the State  
786 Board of Education ~~may identify career education programs having~~  
787 ~~critical teacher shortages~~. The State Board of Education shall  
788 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to  
789 annually identify ~~other~~ critical teacher shortage areas ~~and high~~  
790 ~~priority location areas~~. The state board must ~~shall~~ also  
791 consider current and emerging educational requirements and  
792 workforce demands ~~teacher characteristics such as ethnic~~  
793 ~~background, race, and sex~~ in determining critical teacher  
794 shortage areas. School grade levels may also be designated  
795 critical teacher shortage areas. Individual district school  
796 boards may identify and submit other critical teacher shortage  
797 areas. Such submissions ~~shortages~~ must be aligned to current and  
798 emerging educational requirements and workforce demands in order  
799 to be certified to and approved by the State Board of Education.  
800 High priority location areas shall be in high-density, low-  
801 economic urban schools, and low-density, low-economic rural  
802 schools, and schools identified as lowest performing under s.  
803 1008.33(4)(b) ~~shall include schools which meet criteria which~~  
804 ~~include, but are not limited to, the percentage of free lunches,~~  
805 ~~the percentage of students under Chapter I of the Education~~  
806 ~~Consolidation and Improvement Act of 1981, and the faculty~~  
807 ~~attrition rate.~~

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

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

812 1012.2315 Assignment of teachers.-

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813 (5) REPORTS ~~REPORT.~~—

814 (a) The Department of Education shall annually report the  
815 percentage of classroom teachers and school administrators by  
816 district and by school based on performance ratings reported by  
817 each school district under s. 1012.34. The data must be reported  
818 via the department's website in a manner that is accessible by  
819 the public.

820 (b) Each school district shall annually report to the  
821 parent of any student who is assigned to a classroom teacher or  
822 school administrator having a performance rating of  
823 "unsatisfactory," "needs improvement," or a combination of  
824 "unsatisfactory" or "needs improvement" for 3 consecutive years  
825 or more. Schools graded "D" or "F" shall annually report their  
826 ~~teacher-retention rate. Included in this report shall be reasons~~  
827 ~~listed for leaving by each teacher who left the school for any~~  
828 ~~reason.~~

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

831 1012.27 Public school personnel; powers and duties of  
832 district school superintendent.—The district school  
833 superintendent is responsible for directing the work of the  
834 personnel, subject to the requirements of this chapter, and in  
835 addition the district school superintendent shall perform the  
836 following:

837 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.—

838 (a) Recommend to the district school board duties and  
839 responsibilities which need to be performed and positions which  
840 need to be filled to make possible the development of an  
841 adequate school program in the district.

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842 (b) Recommend minimum qualifications of personnel for these  
843 various positions, and nominate in writing persons to fill such  
844 positions.

845  
846 The district school superintendent's recommendations for filling  
847 instructional positions at the school level must consider  
848 nominations received from school principals of the respective  
849 schools. Before transferring a teacher who holds a professional  
850 teaching certificate from one school to another, including a  
851 transfer requested under s. 1012.33, the district school  
852 superintendent shall consult with the principal of the receiving  
853 school and allow the principal to review the teacher's records,  
854 including student performance demonstrated under s. 1012.34, and  
855 interview the teacher. If, in the judgment of the principal,  
856 students would not benefit from the placement, an alternative  
857 placement may be sought. A principal may refuse the placement in  
858 accordance with s. 1012.28(6).

859 (2) COMPENSATION AND SALARY SCHEDULES.—Prepare and  
860 recommend to the district school board for adoption a salary  
861 schedule or salary schedules in accordance with s. 1012.22. ~~The~~  
862 ~~district school superintendent must recommend a salary schedule~~  
863 ~~for instructional personnel which bases a portion of each~~  
864 ~~employee's compensation on performance demonstrated under s.~~  
865 ~~1012.34. In developing the recommended salary schedule, the~~  
866 ~~district school superintendent shall include input from parents,~~  
867 ~~teachers, and representatives of the business community.~~  
868 ~~Beginning with the 2007-2008 academic year, the recommended~~  
869 ~~salary schedule for classroom teachers shall be consistent with~~  
870 ~~the district's differentiated pay policy based upon s. 1012.22.~~

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

874 1012.28 Public school personnel; duties of school  
875 principals.-

876 (6) A principal may refuse to accept the placement or  
877 transfer of instructional personnel by the district school  
878 superintendent to his or her school unless the instructional  
879 personnel has a performance rating of "effective" or "highly  
880 effective" under s. 1012.34.

881 Section 12. Paragraph (a) of subsection (1), paragraph (a)  
882 of subsection (3), and subsection (5) of section 1012.33,  
883 Florida Statutes, are amended to read:

884 1012.33 Contracts with instructional staff, supervisors,  
885 and school principals.-

886 (1) (a) Each person employed as a member of the  
887 instructional staff in any district school system shall be  
888 properly certified pursuant to s. 1012.56 or s. 1012.57 or  
889 employed pursuant to s. 1012.39 and shall be entitled to and  
890 shall receive a written contract as specified in this section.  
891 All such contracts, except continuing contracts as specified in  
892 subsection (4), shall contain provisions for dismissal during  
893 the term of the contract only for just cause. Just cause  
894 includes, but is not limited to, the following instances, as  
895 defined by rule of the State Board of Education: immorality,  
896 misconduct in office, incompetency, two consecutive annual  
897 performance ratings of "unsatisfactory" under s. 1012.34, two  
898 annual performance ratings of "unsatisfactory" within a 3-year  
899 period under s. 1012.34, three annual performance ratings of

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900 "needs improvement" within any 5-year period under s. 1012.34,  
901 gross insubordination, willful neglect of duty, or being  
902 convicted or found guilty of, or entering a plea of guilty to,  
903 regardless of adjudication of guilt, any crime involving moral  
904 turpitude.

905 (3) (a) Each district school board shall provide a  
906 professional service contract as prescribed herein. Each member  
907 of the instructional staff who completed the following  
908 requirements prior to July 1, 1984, shall be entitled to and  
909 shall be issued a continuing contract in the form prescribed by  
910 rules of the state board pursuant to s. 231.36, Florida Statutes  
911 (1981). Each member of the instructional staff who completes the  
912 following requirements on or after July 1, 1984, shall be  
913 entitled to and shall be issued a professional service contract  
914 in the form prescribed by rules of the state board as provided  
915 herein:

916 1. The member must hold a professional certificate as  
917 prescribed by s. 1012.56 and rules of the State Board of  
918 Education.

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

922 3. The member must have been recommended by the district  
923 school superintendent for such contract and reappointed by the  
924 district school board based on effective or highly effective  
925 ~~successful performance demonstrated under s. 1012.34 of duties~~  
926 ~~and demonstration of professional competence.~~

927 4. For any person newly employed as a member of the  
928 instructional staff after June 30, 1997, the initial annual



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929 contract shall include a 97-day probationary period during which  
930 time the employee's contract may be terminated without cause or  
931 the employee may resign without breach of contract.

932 (5) If ~~Should~~ a district school board has ~~have~~ to choose  
933 from among its personnel ~~who are on continuing contracts or~~  
934 ~~professional service contracts~~ as to which should be retained at  
935 a school or in the school district, such decisions shall be  
936 based upon the performance evaluation under s. 1012.34, with  
937 primary consideration given to those personnel within the  
938 affected area whose students' growth in learning is greater ~~made~~  
939 ~~pursuant to the terms of a collectively bargained agreement,~~  
940 ~~when one exists. If no such agreement exists, the district~~  
941 ~~school board shall prescribe rules to handle reductions in~~  
942 ~~workforce.~~

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

944 Section 14. Paragraph (h) of subsection (1) of section  
945 1012.795, Florida Statutes, is amended to read:

946 1012.795 Education Practices Commission; authority to  
947 discipline.—

948 (1) The Education Practices Commission may suspend the  
949 educator certificate of any person as defined in s. 1012.01(2)  
950 or (3) for up to 5 years, thereby denying that person the right  
951 to teach or otherwise be employed by a district school board or  
952 public school in any capacity requiring direct contact with  
953 students for that period of time, after which the holder may  
954 return to teaching as provided in subsection (4); may revoke the  
955 educator certificate of any person, thereby denying that person  
956 the right to teach or otherwise be employed by a district school  
957 board or public school in any capacity requiring direct contact

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958 with students for up to 10 years, with reinstatement subject to  
959 the provisions of subsection (4); may revoke permanently the  
960 educator certificate of any person thereby denying that person  
961 the right to teach or otherwise be employed by a district school  
962 board or public school in any capacity requiring direct contact  
963 with students; may suspend the educator certificate, upon an  
964 order of the court or notice by the Department of Revenue  
965 relating to the payment of child support; or may impose any  
966 other penalty provided by law, if the person:

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

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

975 (2) In order to receive approval from the State Board of  
976 Education for an exemption under this section, a school district  
977 must demonstrate to the State Board of Education that it is  
978 implementing the following:

979 (a) A teacher evaluation system that uses student  
980 performance as the single greatest component of the teacher's  
981 evaluation.

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

984 (c) A teacher contract system that awards contracts based  
985 on student performance.

986 (3) The State Board of Education shall annually renew a

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987 school district's exemption if the school district provides a  
988 progress report that demonstrates that the school district  
989 continues to meet the requirements of subsection (2).

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

993 Section 16. Chapter 2010-279, Laws of Florida, does not  
994 apply to any rulemaking required to administer this act.

995 Section 17. The provisions of any special act or general  
996 law of local application relating to contracts for instructional  
997 personnel in public schools or school districts in effect on or  
998 before the effective date of this act are repealed, with the  
999 exception of chapter 75-384, Laws of Florida.

1000 Section 18. If any provision of this act or its application  
1001 to any person or circumstance is held invalid, the invalidity  
1002 does not affect other provisions or applications of the act  
1003 which can be given effect without the invalid provision or  
1004 application, and to this end the provisions of this act are  
1005 severable.

1006 Section 19. The amendments made by this act to s. 1012.33,  
1007 Florida Statutes, apply to contracts newly entered into,  
1008 extended, or readopted on or after July 1, 2011, and to all  
1009 contracts entered into on or after July 1, 2014.

1010 Section 20. Except as otherwise expressly provided in this  
1011 act and except for this section, which shall take effect upon  
1012 this act becoming a law, this act shall take effect July 1,  
1013 2011.