

By Senator Gibson

1-01207-12

20121380\_\_

1                   A bill to be entitled  
2       An act relating to instructional personnel; amending  
3       s. 1012.22, F.S.; conforming a cross-reference;  
4       amending s. 1012.34, F.S.; deleting a provision  
5       requiring that the performance evaluations of  
6       instructional personnel who are not classroom teachers  
7       include growth data on statewide assessments for  
8       students assigned to the instructional personnel over  
9       the course of at least 3 years; deleting provisions  
10      authorizing a school district to request that the  
11      performance evaluation of a classroom teacher assigned  
12      to a course that is not measured by a statewide  
13      assessment include the learning growth of the  
14      teacher's students on FCAT Reading or FCAT  
15      Mathematics; deleting provisions requiring that the  
16      student learning growth portion of a performance  
17      evaluation for classroom teachers of courses for which  
18      the district has not implemented appropriate  
19      assessments be measured by the growth in learning of  
20      the classroom teachers' students on statewide  
21      assessments; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Paragraph (c) of subsection (1) of section  
26       1012.22, Florida Statutes, is amended to read:

27       1012.22 Public school personnel; powers and duties of the  
28       district school board.—The district school board shall:

29       (1) Designate positions to be filled, prescribe

1-01207-12

20121380\_\_

30 qualifications for those positions, and provide for the  
31 appointment, compensation, promotion, suspension, and dismissal  
32 of employees as follows, subject to the requirements of this  
33 chapter:

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

35 1. Definitions.—As used in this paragraph:

36 a. "Adjustment" means an addition to the base salary  
37 schedule which ~~that~~ is not a bonus and becomes part of the  
38 employee's permanent base salary and is ~~shall be~~ considered  
39 compensation under s. 121.021(22).

40 b. "Grandfathered salary schedule" means the salary  
41 schedule or schedules adopted by a district school board before  
42 July 1, 2014, pursuant to subparagraph 4.

43 c. "Instructional personnel" means instructional personnel  
44 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
45 teachers.

46 d. "Performance salary schedule" means the salary schedule  
47 or schedules adopted by a district school board pursuant to  
48 subparagraph 5.

49 e. "Salary schedule" means the schedule or schedules used  
50 to provide the base salary for district school board personnel.

51 f. "School administrator" means a school administrator as  
52 defined in s. 1012.01(3)(c).

53 g. "Supplement" means an annual addition to the base salary  
54 for the term of the negotiated supplement as long as the  
55 employee continues his or her employment for the purpose of the  
56 supplement. A supplement does not become part of the employee's  
57 continuing base salary but is ~~shall be~~ considered compensation  
58 under s. 121.021(22).

1-01207-12

20121380

59           2. Cost-of-living adjustment.—A district school board may  
60 provide a cost-of-living salary adjustment if the adjustment:

61           a. Does not discriminate among comparable classes of  
62 employees based upon the salary schedule under which they are  
63 compensated.

64           b. Does not exceed 50 percent of the annual adjustment  
65 provided to instructional personnel rated as effective.

66           3. Advanced degrees.—A district school board may not use  
67 advanced degrees in setting a salary schedule for instructional  
68 personnel or school administrators hired on or after July 1,  
69 2011, unless the advanced degree is held in the individual's  
70 area of certification and is only a salary supplement.

71           4. Grandfathered salary schedule.—

72           a. The district school board shall adopt a salary schedule  
73 or salary schedules to be used as the basis for paying all  
74 school employees hired before July 1, 2014. Instructional  
75 personnel on annual contract as of July 1, 2014, shall be placed  
76 on the performance salary schedule adopted under subparagraph 5.  
77 Instructional personnel on continuing contract or professional  
78 service contract may opt into the performance salary schedule if  
79 the employee relinquishes such contract and agrees to be  
80 employed on an annual contract under s. 1012.335. The ~~Such an~~  
81 employee shall be placed on the performance salary schedule and  
82 may not return to continuing contract or professional service  
83 contract status. Any employee who opts into the performance  
84 salary schedule may not return to the grandfathered salary  
85 schedule.

86           b. In determining the grandfathered salary schedule for  
87 instructional personnel, a district school board must base a

1-01207-12

20121380\_\_

88 portion of each employee's compensation upon performance  
89 demonstrated under s. 1012.34 and shall provide differentiated  
90 pay for both instructional personnel and school administrators  
91 based upon district-determined factors, including, but not  
92 limited to, additional responsibilities, school demographics,  
93 critical shortage areas, and level of job performance  
94 difficulties.

95 5. Performance salary schedule.—By July 1, 2014, the  
96 district school board shall adopt a performance salary schedule  
97 that provides annual salary adjustments for instructional  
98 personnel and school administrators based upon performance  
99 determined under s. 1012.34. Employees hired on or after July 1,  
100 2014, or employees who choose to move from the grandfathered  
101 salary schedule to the performance salary schedule shall be  
102 compensated pursuant to the performance salary schedule once  
103 they have received the appropriate performance evaluation for  
104 this purpose. However, a classroom teacher whose performance  
105 evaluation uses ~~utilizes~~ student learning growth measures  
106 established under s. 1012.34(7)(d) ~~1012.34(7)(e)~~ shall remain  
107 under the grandfathered salary schedule until his or her  
108 teaching assignment changes to a subject for which there is an  
109 assessment or the school district establishes equally  
110 appropriate measures of student learning growth as defined under  
111 s. 1012.34 and rules of the State Board of Education.

112 a. Base salary.—The base salary shall be established as  
113 follows:

114 (I) The base salary for instructional personnel or school  
115 administrators who opt into the performance salary schedule  
116 shall be the salary paid in the prior year, including

1-01207-12

20121380\_\_

117 adjustments only.

118 (II) Beginning July 1, 2014, instructional personnel or  
119 school administrators new to the district, returning to the  
120 district after a break in service without an authorized leave of  
121 absence, or appointed for the first time to a position in the  
122 district in the capacity of instructional personnel or school  
123 administrator shall be placed on the performance salary  
124 schedule.

125 b. Salary adjustments.—Salary adjustments for highly  
126 effective or effective performance shall be established as  
127 follows:

128 (I) The annual salary adjustment under the performance  
129 salary schedule for an employee rated as highly effective must  
130 be greater than the highest annual salary adjustment available  
131 to an employee of the same classification through any other  
132 salary schedule adopted by the district.

133 (II) The annual salary adjustment under the performance  
134 salary schedule for an employee rated as effective must be equal  
135 to at least 50 percent and no more than 75 percent of the annual  
136 adjustment provided for a highly effective employee of the same  
137 classification.

138 (III) The performance salary schedule may ~~shall~~ not provide  
139 an annual salary adjustment for an employee who receives a  
140 rating other than highly effective or effective for the year.

141 c. Salary supplements.—In addition to the salary  
142 adjustments, each district school board shall provide for salary  
143 supplements for activities that must include, but are not  
144 limited to:

145 (I) Assignment to a Title I eligible school.

1-01207-12

20121380\_\_

146 (II) Assignment to a school in the bottom two categories of  
147 the school improvement system under s. 1008.33 such that the  
148 supplement remains in force for at least 1 year following  
149 improved performance in that school.

150 (III) Certification and teaching in critical teacher  
151 shortage areas. Statewide critical teacher shortage areas shall  
152 be identified by the State Board of Education under s. 1012.07.  
153 However, the district school board may identify other areas of  
154 critical shortage within the school district for purposes of  
155 this sub-sub-subparagraph and may remove areas identified by the  
156 state board which do not apply within the school district.

157 (IV) Assignment of additional academic responsibilities.  
158

159 If budget constraints in any given year limit a district school  
160 board's ability to fully fund all adopted salary schedules, the  
161 performance salary schedule may ~~shall~~ not be reduced on the  
162 basis of total cost or the value of individual awards in a  
163 manner that is proportionally greater than reductions to any  
164 other salary schedules adopted by the district.

165 Section 2. Paragraph (a) of subsection (3) and paragraphs  
166 (d) and (e) of subsection (7) of section 1012.34, Florida  
167 Statutes, are amended to read:

168 1012.34 Personnel evaluation procedures and criteria.—

169 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
170 personnel and school administrator performance evaluations must  
171 be based upon the performance of students assigned to their  
172 classrooms or schools, as provided in this section. Pursuant to  
173 this section, a school district's performance evaluation is not  
174 limited to basing unsatisfactory performance of instructional

1-01207-12

20121380\_\_

175 personnel and school administrators solely upon student  
176 performance, but may include other criteria approved to evaluate  
177 instructional personnel and school administrators' performance,  
178 or any combination of student performance and other approved  
179 criteria. Evaluation procedures and criteria must comply with,  
180 but are not limited to, the following:

181 (a) A performance evaluation must be conducted for each  
182 employee at least once a year, except that a classroom teacher,  
183 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
184 who is newly hired by the district school board must be observed  
185 and evaluated at least twice in the first year of teaching in  
186 the school district. The performance evaluation must be based  
187 upon sound educational principles and contemporary research in  
188 effective educational practices. The evaluation criteria must  
189 include:

190 1. Performance of students.—At least 50 percent of a  
191 performance evaluation must be based upon data and indicators of  
192 student learning growth assessed annually by statewide  
193 assessments or, for subjects and grade levels not measured by  
194 statewide assessments, by school district assessments as  
195 provided in s. 1008.22(8). Each school district must use the  
196 formula adopted pursuant to paragraph (7)(a) for measuring  
197 student learning growth in ~~all~~ courses associated with statewide  
198 assessments and must select an equally appropriate formula for  
199 measuring student learning growth for ~~all~~ other grades and  
200 subjects, except as otherwise provided in subsection (7).

201 a. For classroom teachers, as defined in s. 1012.01(2)(a),  
202 excluding substitute teachers, the student learning growth  
203 portion of the evaluation must include growth data for students

1-01207-12

20121380

204 assigned to the teacher over the course of at least 3 years. If  
205 less than 3 years of data are available, the years for which  
206 data are available must be used and the percentage of the  
207 evaluation based upon student learning growth may be reduced to  
208 not less than 40 percent.

209       b. For instructional personnel who are not classroom  
210 teachers, the student learning growth portion of the evaluation  
211 must include ~~growth data on statewide assessments for students~~  
212 ~~assigned to the instructional personnel over the course of at~~  
213 ~~least 3 years, or may include~~ a combination of student learning  
214 growth data and other measurable student outcomes that are  
215 specific to the assigned position, if ~~provided that~~ the student  
216 learning growth data account ~~accounts~~ for not less than 30  
217 percent of the evaluation. If less than 3 years of student  
218 growth data are available, the years for which data are  
219 available must be used and the percentage of the evaluation  
220 based upon student learning growth may be reduced to not less  
221 than 20 percent.

222       c. For school administrators, the student learning growth  
223 portion of the evaluation must include growth data for students  
224 assigned to the school over the course of at least 3 years. If  
225 less than 3 years of data are available, the years for which  
226 data are available must be used and the percentage of the  
227 evaluation based upon student learning growth may be reduced to  
228 not less than 40 percent.

229       2. Instructional practice.—Evaluation criteria used when  
230 annually observing classroom teachers, as defined in s.  
231 1012.01(2)(a), excluding substitute teachers, must include  
232 indicators based upon each of the Florida Educator Accomplished



1-01207-12

20121380\_\_

233 Practices adopted by the State Board of Education. For  
234 instructional personnel who are not classroom teachers,  
235 evaluation criteria must be based upon indicators of the Florida  
236 Educator Accomplished Practices and may include specific job  
237 expectations related to student support.

238 3. Instructional leadership.—For school administrators,  
239 evaluation criteria must include indicators based upon each of  
240 the leadership standards adopted by the State Board of Education  
241 under s. 1012.986, including performance measures related to the  
242 effectiveness of classroom teachers in the school, the  
243 administrator's appropriate use of evaluation criteria and  
244 procedures, recruitment and retention of effective and highly  
245 effective classroom teachers, improvement in the percentage of  
246 instructional personnel evaluated at the highly effective or  
247 effective level, and other leadership practices that result in  
248 student learning growth. The system may include a means to give  
249 parents and instructional personnel an opportunity to provide  
250 input into the administrator's performance evaluation.

251 4. Professional and job responsibilities.—For instructional  
252 personnel and school administrators, other professional and job  
253 responsibilities must be included as adopted by the State Board  
254 of Education. The district school board may identify additional  
255 professional and job responsibilities.

256 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

257 ~~(d) If the student learning growth in a course is not~~  
258 ~~measured by a statewide assessment but is measured by a school~~  
259 ~~district assessment, a school district may request, through the~~  
260 ~~evaluation system approval process, that the performance~~  
261 ~~evaluation for the classroom teacher assigned to that course~~

1-01207-12

20121380\_\_

262 ~~include the learning growth of his or her students on FCAT~~  
263 ~~Reading or FCAT Mathematics. The request must clearly explain~~  
264 ~~the rationale supporting the request. However, the classroom~~  
265 ~~teacher's performance evaluation must give greater weight to~~  
266 ~~student learning growth on the district assessment.~~

267 (d) ~~(e)~~ For classroom teachers of courses for which the  
268 district has not implemented appropriate assessments under s.  
269 1008.22(8) or for which the school district has not adopted an  
270 equally appropriate measure of student learning growth under  
271 paragraphs (b)-(c), ~~(b)-(d)~~, student learning growth must be  
272 measured by the growth in learning of the classroom teacher's  
273 students on statewide assessments, or, for courses in which  
274 enrolled students do not take the statewide assessments,  
275 measurable learning targets must be established based upon the  
276 goals of the school improvement plan and approved by the school  
277 principal. ~~A district school superintendent may assign to~~  
278 ~~instructional personnel in an instructional team the student~~  
279 ~~learning growth of the instructional team's students on~~  
280 ~~statewide assessments. This paragraph expires July 1, 2015.~~

281 Section 3. This act shall take effect July 1, 2012.