

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.