

By Senator Montford

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1 A bill to be entitled
2 An act relating to education; amending ss. 1003.428
3 and 1003.429, F.S.; conforming provisions to changes
4 made by the act; amending s. 1003.43, F.S.; conforming
5 terminology; amending s. 1008.22, F.S.; revising the
6 duties of the Commissioner of Education with regard to
7 developing and implementing a student achievement
8 assessment program; requiring the commissioner to
9 develop alternative assessments for certain student
10 populations; requiring the commissioner to create a
11 pilot project, in conjunction with school districts,
12 to administer more frequently the statewide
13 assessments for those students who do not meet passing
14 scores on the first administration; providing
15 requirements for the pilot project; requiring the
16 commissioner to review the results of the pilot
17 project and submit recommendations to the Governor and
18 the Legislature; revising the school year in which
19 each school district is required to administer a
20 student assessment that measures mastery of the
21 content of each course offered in the district;
22 requiring the commissioner, in collaboration with a
23 consortium of school district representatives, to
24 assist and support districts in developing local
25 assessments; requiring the Department of Education to
26 implement a state platform of item banks and
27 assessments by a specified date; requiring each school
28 district to complete the platform's development and
29 field test the item banks and assessments by specified

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30 school years; requiring the Department of Education to
31 provide the school district an assessment if the
32 platform of state item banks and assessments fails to
33 support a school district's need for a particular
34 assessment; requiring the commissioner to collaborate
35 with school district representatives in developing the
36 assessments; providing the purposes of the consortium;
37 requiring the Commissioner of Education to analyze the
38 content for certain nationally recognized high school
39 achievement tests to determine equivalent scores for
40 statewide assessments for high school graduation;
41 conforming terminology; requiring the commissioner to
42 adopt those scores as meeting the graduation
43 requirement in lieu of achieving a passing score on
44 the statewide assessments; requiring existing
45 equivalent scores to remain in effect when test
46 content or scoring procedures change for statewide
47 assessments or for a high school achievement test
48 until new equivalent scores are established; requiring
49 existing equivalent scores to remain in effect until
50 new equivalent scores are determined with regard to
51 scores for end-of-course assessments; amending s.
52 1008.30, F.S.; requiring the State Board of Education
53 to provide the common placement test to each school
54 district for administration at least six times during
55 a student's 4 years in high school; revising the rules
56 that the State Board of Education must adopt to
57 evaluate the college readiness of each student who
58 indicates an interest in postsecondary education and

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59 who scores certain levels on certain statewide
60 assessments; amending s. 1008.34, F.S.; revising the
61 exceptions to the requirement that a school receive a
62 school grade; conforming a cross-reference; amending
63 s. 1009.531, F.S.; conforming terminology; amending s.
64 1012.22, F.S.; revising the definition of the term
65 "grandfathered salary schedule" with regard to salary
66 schedules adopted by a district school board;
67 conforming provisions to changes made by the act;
68 revising the start date for when a district school
69 board is required to adopt a performance salary
70 schedule; authorizing a classroom teacher whose
71 performance evaluation uses student learning growth
72 measures to remain under the grandfathered salary
73 schedule under certain circumstances; revising the
74 date in which certain instructional personnel or
75 school administrators are placed on performance salary
76 schedules; amending s. 1012.335, F.S.; revising the
77 procedures for conducting a hearing when instructional
78 personnel contest charges that are grounds for
79 suspension or dismissal; authorizing the employee to
80 appeal the determination of the district school board;
81 amending s. 1012.34, F.S.; revising the criteria for
82 evaluating the performance of instructional personnel
83 and school administrators; revising the procedures for
84 conducting a hearing when an employee wishes to
85 contest a district school superintendent's
86 recommendation regarding the employee's performance
87 evaluation; authorizing the employee to appeal the

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88 determination of the district school board; revising
89 the starting school year in which a school district is
90 required to measure student learning growth;
91 conforming provisions to changes made by the act;
92 providing an effective date.

93

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

95

96 Section 1. Paragraphs (a) and (b) of subsection (4) of
97 section 1003.428, Florida Statutes, are amended to read:

98 1003.428 General requirements for high school graduation;
99 revised.—

100 (4) Each district school board shall establish standards
101 for graduation from its schools, which must include:

102 (a) Successful completion of the academic credit or
103 curriculum requirements of subsections (1) and (2). ~~For courses~~
104 ~~that require statewide, standardized end-of-course assessments~~
105 ~~under s. 1008.22(3)(c)2.d., a minimum of 30 percent of a~~
106 ~~student's course grade shall be comprised of performance on the~~
107 ~~statewide, standardized end-of-course assessment.~~

108 (b) Earning passing scores on the FCAT, as defined in s.
109 1008.22(3)(c), or scores on a standardized test that are
110 equivalent ~~concordant~~ with passing scores on the FCAT as defined
111 in s. 1008.22(10).

112

113 Each district school board shall adopt policies designed to
114 assist students in meeting the requirements of this subsection.
115 These policies may include, but are not limited to: forgiveness
116 policies, summer school or before or after school attendance,

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117 special counseling, volunteers or peer tutors, school-sponsored
118 help sessions, homework hotlines, and study skills classes.
119 Forgiveness policies for required courses shall be limited to
120 replacing a grade of "D" or "F," or the equivalent of a grade of
121 "D" or "F," with a grade of "C" or higher, or the equivalent of
122 a grade of "C" or higher, earned subsequently in the same or
123 comparable course. Forgiveness policies for elective courses
124 shall be limited to replacing a grade of "D" or "F," or the
125 equivalent of a grade of "D" or "F," with a grade of "C" or
126 higher, or the equivalent of a grade of "C" or higher, earned
127 subsequently in another course. The only exception to these
128 forgiveness policies shall be made for a student in the middle
129 grades who takes any high school course for high school credit
130 and earns a grade of "C," "D," or "F" or the equivalent of a
131 grade of "C," "D," or "F." In such case, the district
132 forgiveness policy must allow the replacement of the grade with
133 a grade of "C" or higher, or the equivalent of a grade of "C" or
134 higher, earned subsequently in the same or comparable course. In
135 all cases of grade forgiveness, only the new grade shall be used
136 in the calculation of the student's grade point average. Any
137 course grade not replaced according to a district school board
138 forgiveness policy shall be included in the calculation of the
139 cumulative grade point average required for graduation.

140 Section 2. Subsection (5) and paragraph (a) of subsection
141 (6) of section 1003.429, Florida Statutes, are amended to read:

142 1003.429 Accelerated high school graduation options.—

143 (5) District school boards may not establish requirements
144 for accelerated 3-year high school graduation options in excess
145 of the requirements in paragraphs (1)(b) and (c). ~~For courses~~

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146 ~~that require statewide, standardized end-of-course assessments~~
147 ~~under s. 1008.22(3)(c)2.d., a minimum of 30 percent of a~~
148 ~~student's course grade shall be comprised of performance on the~~
149 ~~statewide, standardized end-of-course assessment.~~

150 (6) Students pursuing accelerated 3-year high school
151 graduation options pursuant to paragraph (1)(b) or paragraph
152 (1)(c) are required to:

153 (a) Earn passing scores on the FCAT as defined in s.
154 1008.22(3)(c) or scores on a standardized test that are
155 equivalent ~~concordant~~ with passing scores on the FCAT as defined
156 in s. 1008.22(10).

157
158 Weighted grades referred to in paragraphs (b), (c), and (d)
159 shall be applied to those courses specifically listed or
160 identified by the department as rigorous pursuant to s.
161 1009.531(3) or weighted by the district school board for class
162 ranking purposes.

163 Section 3. Paragraph (a) of subsection (5) of section
164 1003.43, Florida Statutes, is amended to read:

165 1003.43 General requirements for high school graduation.—

166 (5) Each district school board shall establish standards
167 for graduation from its schools, and these standards must
168 include:

169 (a) Earning passing scores on the FCAT, as defined in s.
170 1008.22(3)(c), or scores on a standardized test that are
171 equivalent ~~concordant~~ with passing scores on the FCAT as defined
172 in s. 1008.22(10).

173
174 The standards required in this subsection, and any subsequent

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175 modifications, shall be reprinted in the Florida Administrative
176 Code even though not defined as "rules."

177 Section 4. Subsections (3), (8), (10), and (11) of section
178 1008.22, Florida Statutes, are amended to read:

179 1008.22 Student assessment program for public schools.—

180 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
181 design and implement a statewide program of educational
182 assessment that provides information for the improvement of the
183 operation and management of the public schools, including
184 schools operating for the purpose of providing educational
185 services to youth in Department of Juvenile Justice programs.
186 The commissioner may enter into contracts for the continued
187 administration of the assessment programs authorized and funded
188 by the Legislature. Contracts may be initiated in 1 fiscal year
189 and continue into the next and may be paid from the
190 appropriations of either or both fiscal years. The commissioner
191 ~~may is authorized to~~ negotiate for the sale or lease of tests,
192 scoring protocols, test scoring services, and related materials
193 developed pursuant to law. Pursuant to the statewide assessment
194 program, the commissioner shall:

195 (a) Submit proposed Next Generation Sunshine State
196 Standards to the State Board of Education for adoption and
197 periodic review and revision under s. 1003.41.

198 (b) Develop and implement a uniform system of indicators to
199 describe the performance of public school students and the
200 characteristics of the public school districts and the public
201 schools. These indicators must include information gathered by
202 the comprehensive management information system created pursuant
203 to s. 1008.385 and student achievement information obtained

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204 pursuant to this section.

205 (c) Develop and implement a student achievement assessment
206 program as follows:

207 1. The Florida Comprehensive Assessment Test (FCAT)
208 measures a student's content knowledge and skills in reading,
209 writing, science, and mathematics. The content knowledge and
210 skills assessed by the FCAT must be aligned to the core
211 curricular content established in the Next Generation Sunshine
212 State Standards. FCAT Reading and FCAT Mathematics shall be
213 administered annually in grades 3 through 10 except, beginning
214 with the 2010-2011 school year, the administration of grade 9
215 FCAT Mathematics shall be discontinued, and beginning with the
216 2011-2012 school year, the administration of grade 10 FCAT
217 Mathematics shall be discontinued, except as required for
218 students who have not attained minimum performance expectations
219 for graduation as provided in paragraph (9)(c). FCAT Writing and
220 FCAT Science shall be administered at least once at the
221 elementary, middle, and high school levels except, beginning
222 with the 2011-2012 school year, the administration of FCAT
223 Science at the high school level shall be discontinued. Students
224 enrolled in an Algebra I, geometry, or Biology I course or an
225 equivalent course with a statewide, standardized end-of-course
226 assessment are not required to take the corresponding grade-
227 level FCAT assessment. No sooner than the 2016-2017 school year,
228 the FCAT may be replaced by summative assessments developed by
229 the Partnership for Assessment of Readiness for College and
230 Careers (PARCC).

231 2.a. End-of-course assessments must be rigorous,
232 statewide, standardized, and developed or approved by the

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233 department. Notwithstanding any provision of law to the
234 contrary, each student's performance on an end-of-course
235 assessment constitutes 30 percent of the student's final course
236 grade. The content knowledge and skills assessed by end-of-
237 course assessments must be aligned to the core curricular
238 content established in the Next Generation Sunshine State
239 Standards.

240 (I) Statewide, standardized end-of-course assessments in
241 mathematics shall be administered according to this sub-sub-
242 subparagraph. Beginning with the 2010-2011 school year, all
243 students enrolled in Algebra I or an equivalent course must take
244 the Algebra I end-of-course assessment. ~~For students entering~~
245 ~~grade 9 during the 2010-2011 school year and who are enrolled in~~
246 ~~Algebra I or an equivalent, each student's performance on the~~
247 ~~end-of-course assessment in Algebra I shall constitute 30~~
248 ~~percent of the student's final course grade.~~ Beginning with the
249 2012-2013 school year, the end-of-course assessment in Algebra I
250 shall be administered four times annually. ~~Beginning with~~
251 ~~students entering grade 9 in the 2011-2012 school year, a~~
252 ~~student who is enrolled in Algebra I or an equivalent must earn~~
253 ~~a passing score on the end-of-course assessment in Algebra I or~~
254 ~~attain an equivalent score as described in subsection (11) in~~
255 ~~order to earn course credit.~~ Beginning with the 2011-2012 school
256 year, all students enrolled in geometry or an equivalent course
257 must take the geometry end-of-course assessment. ~~For students~~
258 ~~entering grade 9 during the 2011-2012 school year, each~~
259 ~~student's performance on the end-of-course assessment in~~
260 ~~geometry shall constitute 30 percent of the student's final~~
261 ~~course grade.~~ Beginning with students entering grade 9 during

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262 ~~the 2012-2013 school year, a student must earn a passing score~~
263 ~~on the end-of-course assessment in geometry or attain an~~
264 ~~equivalent score as described in subsection (11) in order to~~
265 ~~earn course credit.~~

266 (II) Statewide, standardized end-of-course assessments in
267 science shall be administered according to this sub-sub-
268 subparagraph. Beginning with the 2011-2012 school year, all
269 students enrolled in Biology I or an equivalent course must take
270 the Biology I end-of-course assessment. ~~For the 2011-2012 school~~
271 ~~year, each student's performance on the end-of-course assessment~~
272 ~~in Biology I shall constitute 30 percent of the student's final~~
273 ~~course grade. Beginning with students entering grade 9 during~~
274 ~~the 2012-2013 school year, a student must earn a passing score~~
275 ~~on the end-of-course assessment in Biology I in order to earn~~
276 ~~course credit.~~

277 b. During the 2012-2013 school year, an end-of-course
278 assessment in civics education shall be administered as a field
279 test at the middle school level. ~~During the 2013-2014 school~~
280 ~~year, each student's performance on the statewide, standardized~~
281 ~~end-of-course assessment in civics education shall constitute 30~~
282 ~~percent of the student's final course grade. Beginning with the~~
283 ~~2014-2015 school year, a student must earn a passing score on~~
284 ~~the end-of-course assessment in civics education in order to~~
285 ~~pass the course and be promoted from the middle grades. The~~
286 school principal of a middle school shall determine, in
287 accordance with State Board of Education rule, whether a student
288 who transfers to the middle school and who has successfully
289 completed a civics education course at the student's previous
290 school must take an end-of-course assessment in civics

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291 education.

292 c. The commissioner may select one or more nationally
293 developed comprehensive examinations, which may include, but
294 need not be limited to, examinations for a College Board
295 Advanced Placement course, International Baccalaureate course,
296 or Advanced International Certificate of Education course, or
297 industry-approved examinations to earn national industry
298 certifications identified in the Industry Certification Funding
299 List, pursuant to rules adopted by the State Board of Education,
300 for use as end-of-course assessments under this paragraph, if
301 the commissioner determines that the content knowledge and
302 skills assessed by the examinations meet or exceed the grade
303 level expectations for the core curricular content established
304 for the course in the Next Generation Sunshine State Standards.
305 The commissioner may collaborate with the American Diploma
306 Project in the adoption or development of rigorous end-of-course
307 assessments that are aligned to the Next Generation Sunshine
308 State Standards.

309 ~~d. Contingent upon funding provided in the General~~
310 ~~Appropriations Act, including the appropriation of funds~~
311 ~~received through federal grants, The Commissioner of Education~~
312 shall develop alternative assessments for the learning and
313 achievement of special student populations, such as exceptional
314 students as defined in s. 1003.01 and limited English
315 proficiency students as provided in s. 1003.56 ~~establish an~~
316 ~~implementation schedule for the development and administration~~
317 ~~of additional statewide, standardized end-of-course assessments~~
318 ~~in English/Language Arts II, Algebra II, chemistry, physics,~~
319 ~~earth/space science, United States history, and world history.~~

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320 ~~Priority shall be given to the development of end-of-course~~
321 ~~assessments in English/Language Arts II. The Commissioner of~~
322 ~~Education shall evaluate the feasibility and effect of~~
323 ~~transitioning from the grade 9 and grade 10 FCAT Reading and~~
324 ~~high school level FCAT Writing to an end-of-course assessment in~~
325 ~~English/Language Arts II. The commissioner shall report the~~
326 ~~results of the evaluation to the President of the Senate and the~~
327 ~~Speaker of the House of Representatives no later than July 1,~~
328 ~~2011.~~

329 3. The assessment program shall measure student content
330 knowledge and skills adopted by the State Board of Education as
331 specified in paragraph (a) and measure and report student
332 performance levels of all students assessed in reading, writing,
333 mathematics, and science. The commissioner shall provide for the
334 tests to be developed or obtained, as appropriate, through
335 contracts and project agreements with private vendors, public
336 vendors, public agencies, postsecondary educational
337 institutions, or school districts. The commissioner shall obtain
338 input with respect to the design and implementation of the
339 assessment program from state educators, assistive technology
340 experts, and the public.

341 4. The assessment program shall be composed of criterion-
342 referenced tests that shall, to the extent determined by the
343 commissioner, include test items that require the student to
344 produce information or perform tasks in such a way that the core
345 content knowledge and skills he or she uses can be measured.

346 5. FCAT Reading, Mathematics, and Science and all
347 statewide, standardized end-of-course assessments shall measure
348 the content knowledge and skills a student has attained on the

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349 assessment by the use of scaled scores and achievement levels.
350 Achievement levels shall range from 1 through 5, with level 1
351 being the lowest achievement level, level 5 being the highest
352 achievement level, and level 3 indicating satisfactory
353 performance on an assessment. For purposes of FCAT Writing,
354 student achievement shall be scored using a scale of 1 through 6
355 and the score earned shall be used in calculating school grades.
356 A score shall be designated for each subject area tested, below
357 which score a student's performance is deemed inadequate. The
358 school districts shall provide appropriate remedial instruction
359 to students who score below these levels.

360 6. The State Board of Education shall, by rule, designate a
361 passing score for each part of the grade 10 assessment test and
362 end-of-course assessments. Any rule that has the effect of
363 raising the required passing scores may apply only to students
364 taking the assessment for the first time after the rule is
365 adopted by the State Board of Education. Except as otherwise
366 provided in this subparagraph and as provided in s.
367 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
368 passing score on grade 10 FCAT Reading and grade 10 FCAT
369 Mathematics or attain equivalent ~~concordant~~ scores as described
370 in subsection (10) in order to qualify for a standard high
371 school diploma.

372 7. In addition to designating a passing score under
373 subparagraph 6., the State Board of Education shall also
374 designate, by rule, a score for each statewide, standardized
375 end-of-course assessment which indicates that a student is high
376 achieving and has the potential to meet college-readiness
377 standards by the time the student graduates from high school.

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378 8. Participation in the assessment program is mandatory for
379 all students attending public school, including students served
380 in Department of Juvenile Justice programs, except as otherwise
381 prescribed by the commissioner. A student who has not earned
382 passing scores on the grade 10 FCAT as provided in subparagraph
383 6. must participate in each retake of the assessment until the
384 student earns passing scores or achieves scores on a
385 standardized assessment which are equivalent ~~concordant~~ with
386 passing scores pursuant to subsection (10). If a student does
387 not participate in the statewide assessment, the district must
388 notify the student's parent and provide the parent with
389 information regarding the implications of such nonparticipation.
390 A parent must provide signed consent for a student to receive
391 classroom instructional accommodations that would not be
392 available or permitted on the statewide assessments and must
393 acknowledge in writing that he or she understands the
394 implications of such instructional accommodations. The State
395 Board of Education shall adopt rules, based upon recommendations
396 of the commissioner, for the provision of test accommodations
397 for students in exceptional education programs and for students
398 who have limited English proficiency. Accommodations that negate
399 the validity of a statewide assessment are not allowable in the
400 administration of the FCAT or an end-of-course assessment.
401 However, instructional accommodations are allowable in the
402 classroom if included in a student's individual education plan.
403 Students using instructional accommodations in the classroom
404 which ~~that~~ are not allowable as accommodations on the FCAT or an
405 end-of-course assessment may have the FCAT or an end-of-course
406 assessment requirement waived pursuant to the requirements of s.

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407 1003.428(8)(b) or s. 1003.43(11)(b).

408 9. A student seeking an adult high school diploma must meet
409 the same testing requirements that a regular high school student
410 must meet.

411 10. District school boards must provide instruction to
412 prepare students in the core curricular content established in
413 the Next Generation Sunshine State Standards adopted under s.
414 1003.41, including the core content knowledge and skills
415 necessary for successful grade-to-grade progression and high
416 school graduation. If a student is provided with instructional
417 accommodations in the classroom that are not allowable as
418 accommodations in the statewide assessment program, as described
419 in the test manuals, the district must inform the parent in
420 writing and must provide the parent with information regarding
421 the impact on the student's ability to meet expected performance
422 levels in reading, writing, mathematics, and science. The
423 commissioner shall conduct studies as necessary to verify that
424 the required core curricular content is part of the district
425 instructional programs.

426 11. District school boards must provide opportunities for
427 students to demonstrate an acceptable performance level on an
428 alternative standardized assessment approved by the State Board
429 of Education following enrollment in summer academies.

430 12. The Department of Education must develop, or select,
431 and implement a common battery of assessment tools that will be
432 used in all juvenile justice programs in the state. These tools
433 must accurately measure the core curricular content established
434 in the Next Generation Sunshine State Standards.

435 13. For students seeking a special diploma pursuant to s.

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436 1003.438, the Department of Education must develop or select and
437 implement an alternate assessment tool that accurately measures
438 the core curricular content established in the Next Generation
439 Sunshine State Standards for students with disabilities under s.
440 1003.438.

441 14. The Commissioner of Education shall establish schedules
442 for the administration of statewide assessments and the
443 reporting of student test results. When establishing the
444 schedules for the administration of statewide assessments, the
445 commissioner shall consider the observance of religious and
446 school holidays. The commissioner shall, by August 1 of each
447 year, notify each school district in writing and publish on the
448 department's Internet website the testing and reporting
449 schedules for, at a minimum, the school year following the
450 upcoming school year. The testing and reporting schedules shall
451 require that:

452 a. There is the latest possible administration of statewide
453 assessments and the earliest possible reporting to the school
454 districts of student test results which is feasible within
455 available technology and specific appropriations; however, test
456 results for the FCAT must be made available no later than the
457 week of June 8. Student results for end-of-course assessments
458 must be provided no later than 1 week after the school district
459 completes testing for each course. The commissioner may extend
460 the reporting schedule under exigent circumstances.

461 b. FCAT Writing may not be administered earlier than the
462 week of March 1, and a comprehensive statewide assessment of any
463 other subject may not be administered earlier than the week of
464 April 15.

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465 c. A statewide, standardized end-of-course assessment is
466 administered at the end of the course. The commissioner shall
467 select an administration period for assessments that meets the
468 intent of end-of-course assessments and provides student results
469 prior to the end of the course. School districts shall
470 administer tests in accordance with the schedule determined by
471 the commissioner. For an end-of-course assessment administered
472 at the end of the first semester, the commissioner shall
473 determine the most appropriate testing dates based on a review
474 of each school district's academic calendar.

475
476 The commissioner may, based on collaboration and input from
477 school districts, design and implement student testing programs,
478 for any grade level and subject area, necessary to effectively
479 monitor educational achievement in the state, including the
480 measurement of educational achievement of the Next Generation
481 Sunshine State Standards for students with disabilities.
482 Development and refinement of assessments shall include
483 universal design principles and accessibility standards that
484 will prevent any unintended obstacles for students with
485 disabilities while ensuring the validity and reliability of the
486 test. These principles should be applicable to all technology
487 platforms and assistive devices available for the assessments.
488 The field testing process and psychometric analyses for the
489 statewide assessment program must include an appropriate
490 percentage of students with disabilities and an evaluation or
491 determination of the effect of test items on such students.

492 (d) Conduct ongoing research to develop improved methods of
493 assessing student performance, including, without limitation,

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494 the use of technology to administer tests, score, or report the
495 results of, the use of electronic transfer of data, the
496 development of work-product assessments, and the development of
497 process assessments.

498 (e) Conduct ongoing research and analysis of student
499 achievement data, including, without limitation, monitoring
500 trends in student achievement by grade level and overall student
501 achievement, identifying school programs that are successful,
502 and analyzing correlates of school achievement.

503 (f) Provide technical assistance to school districts in the
504 implementation of state and district testing programs and the
505 use of the data produced pursuant to such programs.

506 (g) Beginning with the 2014-2015 school year, require that
507 all statewide end-of-course assessments be administered online.

508 (h) Create a pilot project, in conjunction with each school
509 district, to administer more frequently the statewide
510 assessments for those students who do not attain passing scores
511 on the first administration. The pilot project must establish
512 eligibility criteria for students to retake statewide
513 assessments, establish a reasonable schedule for administering
514 the assessments, develop a model for students to be assessed
515 only in those areas of deficiency, and develop targeted
516 remediation. The pilot project shall be conducted in the 2016-
517 2017 school year or sooner. The commissioner shall review the
518 results of the pilot project and submit recommendations to the
519 Governor, the President of the Senate, and the Speaker of the
520 House of Representatives by January 1, 2018.

521 (8) LOCAL ASSESSMENTS.—

522 (a) Measurement of the learning gains of students in all

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523 subjects and grade levels other than subjects and grade levels
524 required for the state student achievement assessment program is
525 the responsibility of the school districts.

526 (b) No sooner than ~~Beginning with~~ the 2016-2017 ~~2014-2015~~
527 school year, each school district shall administer for each
528 course offered in the district a student assessment that
529 measures mastery of the content, as described in the state-
530 adopted course description, at the necessary level of rigor for
531 the course. Such assessments may include:

- 532 1. Statewide assessments.
- 533 2. Other standardized assessments, including nationally
534 recognized standardized assessments.
- 535 3. Industry certification examinations.
- 536 4. District-developed or district-selected end-of-course
537 assessments.

538 (c) 1. The Commissioner of Education, in collaboration with
539 a consortium of school district representatives, shall ~~identify~~
540 ~~methods to~~ assist and support districts in the development ~~and~~
541 ~~acquisition~~ of assessments required under this subsection. This
542 ~~Methods~~ may include developing item banks, facilitating the
543 sharing of developed tests among school districts, acquiring
544 assessments from state and national curriculum-area
545 organizations by the Department of Education, and providing
546 technical assistance in best professional practices of test
547 development based upon state-adopted curriculum standards,
548 administration, and security. The Department of Education shall
549 implement a state platform for item banks and assessments no
550 sooner than June 30, 2014. Each school district shall complete
551 the platform's development no sooner than the 2014-2015 school

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552 year and field test the item banks and assessments for validity
553 and reliability during the 2015-2016 school year. Each school
554 district shall use new assessments to evaluate teacher
555 performance no sooner than the 2016-2017 school year. If the
556 state platform for item banks and assessments does not support a
557 school district's need for a particular assessment, the
558 Department of Education shall provide to the school district the
559 needed assessment.

560 2. The Commissioner of Education shall collaborate with a
561 consortium of school district representatives in developing the
562 assessments required under this paragraph. The purpose of the
563 consortium is to avoid unnecessary duplication of assessments,
564 to more efficiently use limited resources, and to ensure
565 continued vibrant, robust curriculum and course offerings for
566 students.

567 (10) EQUIVALENT CONCORDANT SCORES FOR STATEWIDE ASSESSMENTS
568 THE FCAT.—

569 (a) The Commissioner of Education shall analyze the content
570 ~~and concordant data sets~~ for nationally recognized high school
571 achievement tests, including, but not limited to, the PSAT,
572 PLAN, SAT, ACT, and College Placement Test, to determine
573 equivalent scores for statewide assessments ~~to assess if~~
574 ~~concordant scores for FCAT scores can be determined~~ for high
575 school graduation. ~~When content alignment and concordant scores~~
576 ~~can be determined,~~ The Commissioner of Education shall adopt
577 those scores as meeting the graduation requirement in lieu of
578 achieving the ~~FCAT~~ passing score for the statewide assessments
579 and may adopt those scores as being sufficient to achieve
580 additional purposes as determined by rule. Existing equivalent

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581 scores must remain in effect when test content or scoring
582 procedures change for statewide assessments or for a high school
583 achievement test until new equivalent scores are established

584 ~~Each time that test content or scoring procedures change for the~~
585 ~~FCAT or for a high school achievement test for which a~~
586 ~~concordant score is determined, new concordant scores must be~~
587 ~~determined.~~

588 (b) The State Board of Education may define by rule the
589 allowable uses, other than to satisfy the high school graduation
590 requirement, for equivalent ~~concordant~~ scores as described in
591 this subsection. Such uses may include, but need not be limited
592 to, achieving appropriate standardized test scores required for
593 the awarding of Florida Bright Futures Scholarships and college
594 placement.

595 (11) EQUIVALENT SCORES FOR END-OF-COURSE ASSESSMENTS.—

596 (a) The Commissioner of Education shall analyze the content
597 and equivalent data sets for nationally recognized high school
598 achievement tests and industry certification tests under the
599 Industry Certification Funding List, pursuant to rules adopted
600 by the State Board of Education, including, but not limited to,
601 grade 10 FCAT Mathematics retakes until such retakes are
602 discontinued pursuant to subsection (9), the PSAT, the PLAN, the
603 SAT, the ACT, and the College Placement Test, to assess if
604 equivalent scores for end-of-course assessment scores can be
605 determined for passage of an end-of-course assessment. When
606 content alignment and equivalent scores can be determined, the
607 Commissioner of Education shall adopt those scores as meeting
608 the requirement to pass the end-of-course assessment and as
609 being sufficient to achieve additional purposes as determined by

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610 rule. Each time that assessment content or scoring procedures
611 change for an end-of-course assessment or for a high school
612 achievement test or an industry certification test under the
613 Industry Certification Funding List, pursuant to rules adopted
614 by the State Board of Education for which an equivalent score is
615 determined, new equivalent scores must be determined. However,
616 existing equivalent scores must remain in effect until new
617 equivalent scores are determined.

618 (b) Use of an equivalent score adopted by the State Board
619 of Education under paragraph (a) for purposes of grade
620 adjustment, grade forgiveness, or course credit recovery is
621 contingent upon and subject to district school board rules.

622 Section 5. Subsections (1) and (3) of section 1008.30,
623 Florida Statutes, are amended to read:

624 1008.30 Common placement testing for public postsecondary
625 education.—

626 (1) The State Board of Education, in conjunction with the
627 Board of Governors, shall develop and implement a common
628 placement test for the purpose of assessing the basic
629 computation and communication skills of students who intend to
630 enter a degree program at any public postsecondary educational
631 institution. The State Board of Education shall provide the
632 common placement test to each school district to administer at
633 least six times during a student's 4 years in high school.
634 Public postsecondary educational institutions shall provide
635 appropriate modifications of the test instruments or test
636 procedures for students with disabilities.

637 (3) The State Board of Education shall adopt rules that
638 require high schools to evaluate before the beginning of grade

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639 12 the college readiness of each student who indicates an
640 interest in postsecondary education and who scores at Level 2 or
641 Level 3 on the reading portion of the grade 10 FCAT or Level 2,
642 Level 3, or Level 4 on the mathematics assessments under s.
643 1008.22(3)(c). High schools shall perform this evaluation using
644 results from the corresponding component of the common placement
645 test prescribed in this section, or an equivalent test
646 identified by the State Board of Education. The State Board of
647 Education shall identify in rule the assessments necessary to
648 perform the evaluations required by this subsection and shall
649 work with the school districts to administer the assessments
650 including, but not limited to, ACT, PSAT, SAT, PARCC
651 assessments, and the Postsecondary Education Readiness Test
652 (P.E.R.T.). The State Board of Education shall establish by rule
653 the minimum test scores a student must achieve to demonstrate
654 readiness on each of the applicable assessments. Students who
655 demonstrate readiness by achieving the minimum test scores
656 established by the state board and enroll in a Florida College
657 System institution within 2 years after ~~of~~ achieving such scores
658 are shall not ~~be~~ required to retest or enroll in remediation
659 when admitted to any Florida College System institution. The
660 high school shall use the results of the test to advise the
661 students of any identified deficiencies and to the maximum
662 extent possible provide high school 12th-grade students access
663 to, ~~and require them to complete,~~ appropriate postsecondary
664 preparatory instruction before ~~prior to~~ high school graduation.
665 The curriculum provided under this subsection shall be
666 identified in rule by the State Board of Education and encompass
667 Florida's Postsecondary Readiness Competencies. ~~Other elective~~

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668 ~~courses may not be substituted for the selected postsecondary~~
669 ~~reading, mathematics, or writing preparatory course unless the~~
670 ~~elective course covers the same competencies included in the~~
671 ~~postsecondary reading, mathematics, or writing preparatory~~
672 ~~course.~~

673 Section 6. Paragraphs (a) and (c) of subsection (3) of
674 section 1008.34, Florida Statutes, are amended to read:

675 1008.34 School grading system; school report cards;
676 district grade.—

677 (3) DESIGNATION OF SCHOOL GRADES.—

678 (a) Each school that has students who are tested and
679 included in the school grading system shall receive a school
680 grade, except as follows:

681 1. A school may ~~shall~~ not receive a school grade if the
682 number of its students tested and included in the school grading
683 system is less than the minimum sample size necessary, based on
684 accepted professional practice, for statistical reliability and
685 prevention of the unlawful release of personally identifiable
686 student data under s. 1002.22 or 20 U.S.C. s. 1232g.

687 2. An alternative school may choose to receive a school
688 grade under this section or a school improvement rating under s.
689 1008.341. For charter schools that meet the definition of an
690 alternative school pursuant to State Board of Education rule,
691 the decision to receive a school grade is the decision of the
692 charter school governing board.

693 3. A school that serves any combination of students in
694 kindergarten through grade 3 which does not receive a school
695 grade because its students are not tested and included in the
696 school grading system shall receive the school grade designation

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697 of a K-3 feeder pattern school identified by the Department of
698 Education and verified by the school district. A school feeder
699 pattern exists if at least 60 percent of the students in the
700 school serving a combination of students in kindergarten through
701 grade 3 are scheduled to be assigned to the graded school.

702 4. A school that serves only exceptional students based on
703 the nature and severity of the need for specially designed
704 instruction and related services determined by the
705 individualized education plan (IEP) team.

706 (c) Student assessment data used in determining school
707 grades shall include:

708 1. The aggregate scores of all eligible students enrolled
709 in the school who have been assessed on the FCAT and statewide,
710 standardized end-of-course assessments in courses required for
711 high school graduation, including, beginning with the 2011-2012
712 school year, the end-of-course assessment in Algebra I; and
713 beginning with the 2012-2013 school year, the end-of-course
714 assessments in geometry and Biology I; and beginning with the
715 2014-2015 school year, on the statewide, standardized end-of-
716 course assessment in civics education at the middle school
717 level.

718 2. The aggregate scores of all eligible students enrolled
719 in the school who have been assessed on the FCAT and statewide,
720 standardized end-of-course assessments as described in s.
721 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
722 percentile of students in the school in reading and mathematics,
723 unless these students are exhibiting satisfactory performance.

724 3. The achievement scores and learning gains of eligible
725 students attending alternative schools that provide dropout

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726 prevention and academic intervention services pursuant to s.
727 1003.53. The term "eligible students" in this subparagraph does
728 not include students attending an alternative school who are
729 subject to district school board policies for expulsion for
730 repeated or serious offenses, who are in dropout retrieval
731 programs serving students who have officially been designated as
732 dropouts, or who are in programs operated or contracted by the
733 Department of Juvenile Justice. The student performance data for
734 eligible students identified in this subparagraph shall be
735 included in the calculation of the home school's grade. As used
736 in this subparagraph and s. 1008.341, the term "home school"
737 means the school to which the student would be assigned if the
738 student were not assigned to an alternative school. If an
739 alternative school chooses to be graded under this section,
740 student performance data for eligible students identified in
741 this subparagraph shall not be included in the home school's
742 grade but shall be included only in the calculation of the
743 alternative school's grade. A school district that fails to
744 assign the FCAT and statewide, standardized end-of-course
745 assessment as described in s. 1008.22(3)(c)2.a. scores of each
746 of its students to his or her home school or to the alternative
747 school that receives a grade shall forfeit Florida School
748 Recognition Program funds for 1 fiscal year. School districts
749 must require collaboration between the home school and the
750 alternative school in order to promote student success. This
751 collaboration must include an annual discussion between the
752 principal of the alternative school and the principal of each
753 student's home school concerning the most appropriate school
754 assignment of the student.

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755 4. The achievement scores and learning gains of students
756 designated as hospital- or homebound. Student assessment data
757 for students designated as hospital- or homebound shall be
758 assigned to their home school for the purposes of school grades.
759 As used in this subparagraph, the term "home school" means the
760 school to which a student would be assigned if the student were
761 not assigned to a hospital- or homebound program.

762 5. For schools comprised of high school grades 9, 10, 11,
763 and 12, or grades 10, 11, and 12, the data listed in
764 subparagraphs 1.-3. and the following data as the Department of
765 Education determines such data are valid and available:

766 a. The high school graduation rate of the school as
767 calculated by the department;

768 b. The participation rate of all eligible students enrolled
769 in the school and enrolled in College Board Advanced Placement
770 courses; International Baccalaureate courses; dual enrollment
771 courses; Advanced International Certificate of Education
772 courses; and courses or sequences of courses leading to national
773 industry certification identified in the Industry Certification
774 Funding List, pursuant to rules adopted by the State Board of
775 Education;

776 c. The aggregate scores of all eligible students enrolled
777 in the school in College Board Advanced Placement courses,
778 International Baccalaureate courses, and Advanced International
779 Certificate of Education courses;

780 d. Earning of college credit by all eligible students
781 enrolled in the school in dual enrollment programs under s.
782 1007.271;

783 e. Earning of a national industry certification identified

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784 in the Industry Certification Funding List, pursuant to rules
785 adopted by the State Board of Education;

786 f. The aggregate scores of all eligible students enrolled
787 in the school in reading, mathematics, and other subjects as
788 measured by the SAT, the ACT, the Postsecondary Education
789 Readiness Test, and the common placement test for postsecondary
790 readiness;

791 g. The high school graduation rate of all eligible at-risk
792 students enrolled in the school who scored at Level 2 or lower
793 on grade 8 FCAT Reading and FCAT Mathematics;

794 h. The performance of the school's students on statewide,
795 standardized end-of-course assessments administered under s.
796 1008.22(3)(c)2.c. ~~and d.~~; and

797 i. The growth or decline in the data components listed in
798 sub-subparagraphs a.-h. from year to year.

799
800 The State Board of Education shall adopt appropriate criteria
801 for each school grade. The criteria must also give added weight
802 to student achievement in reading. Schools earning a grade of
803 "C," making satisfactory progress, shall be required to
804 demonstrate that adequate progress has been made by students in
805 the school who are in the lowest 25th percentile in reading and
806 mathematics on the FCAT and end-of-course assessments as
807 described in s. 1008.22(3)(c)2.a., unless these students are
808 exhibiting satisfactory performance. For schools comprised of
809 high school grades 9, 10, 11, and 12, or grades 10, 11, and 12,
810 the criteria for school grades must also give added weight to
811 the graduation rate of all eligible at-risk students. In order
812 for a high school to earn a grade of "A," the school must

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813 demonstrate that its at-risk students, as defined in this
814 paragraph, are making adequate progress.

815 Section 7. Paragraphs (a) and (b) of subsection (6) of
816 section 1009.531, Florida Statutes, are amended to read:

817 1009.531 Florida Bright Futures Scholarship Program;
818 student eligibility requirements for initial awards.—

819 (6) (a) The State Board of Education shall publicize the
820 examination score required for a student to be eligible for a
821 Florida Academic Scholars award, pursuant to s. 1009.534(1) (a)
822 or (b), as follows:

823 1. For high school students graduating in the 2010-2011 and
824 2011-2012 academic years, the student must earn an SAT score of
825 1270 or an equivalent ~~a concordant~~ ACT score of 28.

826 2. For high school students graduating in the 2012-2013
827 academic year, the student must earn an SAT score of 1280 which
828 corresponds to the 88th SAT percentile rank or an equivalent ~~a~~
829 ~~concordant~~ ACT score of 28.

830 3. For high school students graduating in the 2013-2014
831 academic year and thereafter, the student must earn an SAT score
832 of 1290 which corresponds to the 89th SAT percentile rank or an
833 equivalent ~~a concordant~~ ACT score of 29.

834 (b) The State Board of Education shall publicize the
835 examination score required for a student to be eligible for a
836 Florida Medallion Scholars award, pursuant to s. 1009.535(1) (a)
837 or (b), as follows:

838 1. For high school students graduating in the 2010-2011
839 academic year, the student must earn an SAT score of 970 or an
840 equivalent ~~a concordant~~ ACT score of 20 or the student in a home
841 education program whose parent cannot document a college-

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842 preparatory curriculum must earn an SAT score of 1070 or an
843 equivalent ~~a concordant~~ ACT score of 23.

844 2. For high school students graduating in the 2011-2012
845 academic year, the student must earn an SAT score of 980 which
846 corresponds to the 44th SAT percentile rank or an equivalent ~~a~~
847 ~~concordant~~ ACT score of 21 or the student in a home education
848 program whose parent cannot document a college-preparatory
849 curriculum must earn an SAT score of 1070 or an equivalent ~~a~~
850 ~~concordant~~ ACT score of 23.

851 3. For high school students graduating in the 2012-2013
852 academic year, the student must earn an SAT score of 1020 which
853 corresponds to the 51st SAT percentile rank or an equivalent ~~a~~
854 ~~concordant~~ ACT score of 22 or the student in a home education
855 program whose parent cannot document a college-preparatory
856 curriculum must earn an SAT score of 1070 or an equivalent ~~a~~
857 ~~concordant~~ ACT score of 23.

858 4. For high school students graduating in the 2013-2014
859 academic year and thereafter, the student must earn an SAT score
860 of 1170 which corresponds to the 75th SAT percentile rank or an
861 equivalent ~~a concordant~~ ACT score of 26 or the student in a home
862 education program whose parent cannot document a college-
863 preparatory curriculum must earn an SAT score of 1220 or an
864 equivalent ~~a concordant~~ ACT score of 27.

865 Section 8. Paragraph (c) of subsection (1) of section
866 1012.22, Florida Statutes, is amended to read:

867 1012.22 Public school personnel; powers and duties of the
868 district school board.—The district school board shall:

869 (1) Designate positions to be filled, prescribe
870 qualifications for those positions, and provide for the

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871 appointment, compensation, promotion, suspension, and dismissal
872 of employees as follows, subject to the requirements of this
873 chapter:

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

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

876 a. "Adjustment" means an addition to the base salary
877 schedule that is not a bonus and becomes part of the employee's
878 permanent base salary and shall be considered compensation under
879 s. 121.021(22).

880 b. "Grandfathered salary schedule" means the salary
881 schedule or schedules adopted by a district school board no
882 sooner than ~~before~~ July 1, 2016 ~~2014~~, pursuant to subparagraph
883 4.

884 c. "Instructional personnel" means instructional personnel
885 as defined in s. 1012.01(2)(a)-(d), excluding substitute
886 teachers.

887 d. "Performance salary schedule" means the salary schedule
888 or schedules adopted by a district school board pursuant to
889 subparagraph 5.

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

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

894 g. "Supplement" means an annual addition to the base salary
895 for the term of the negotiated supplement as long as the
896 employee continues his or her employment for the purpose of the
897 supplement. A supplement does not become part of the employee's
898 continuing base salary but shall be considered compensation
899 under s. 121.021(22).

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

902 a. Does not discriminate among comparable classes of
903 employees based upon the salary schedule under which they are
904 compensated.

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

907 3. Advanced degrees.—A district school board may not use
908 advanced degrees in setting a salary schedule for instructional
909 personnel or school administrators hired on or after July 1,
910 2011, unless the advanced degree is held in the individual's
911 area of certification and is only a salary supplement.

912 4. Grandfathered salary schedule.—

913 a. The district school board shall adopt a salary schedule
914 or salary schedules to be used as the basis for paying all
915 school employees hired before July 1, 2016 ~~2014~~. Instructional
916 personnel on annual contract as of July 1, 2016 ~~2014~~, shall be
917 placed on the performance salary schedule adopted under
918 subparagraph 5. Instructional personnel on continuing contract
919 or professional service contract may opt into the performance
920 salary schedule if the employee relinquishes such contract and
921 agrees to be employed on an annual contract under s. 1012.335.
922 Such an employee is ~~shall be~~ placed on the performance salary
923 schedule and may not return to continuing contract or
924 professional service contract status. Any employee who opts into
925 the performance salary schedule may not return to the
926 grandfathered salary schedule.

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

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929 portion of each employee's compensation upon performance
930 demonstrated under s. 1012.34 and shall provide differentiated
931 pay for both instructional personnel and school administrators
932 based upon district-determined factors, including, but not
933 limited to, additional responsibilities, school demographics,
934 critical shortage areas, and level of job performance
935 difficulties.

936 5. Performance salary schedule.—No sooner than ~~By~~ July 1,
937 2016 ~~2014~~, the district school board shall adopt a performance
938 salary schedule that provides annual salary adjustments for
939 instructional personnel and school administrators based upon
940 performance determined under s. 1012.34. Employees hired on or
941 after July 1, 2016 ~~2014~~, or employees who choose to move from
942 the grandfathered salary schedule to the performance salary
943 schedule are ~~shall be~~ compensated pursuant to the performance
944 salary schedule when ~~once~~ they have received the appropriate
945 performance evaluation for this purpose. However, a classroom
946 teacher whose performance evaluation uses ~~utilizes~~ student
947 learning growth measures established under s. 1012.34(7)(e) may,
948 but is not required, to ~~shall~~ remain under the grandfathered
949 salary schedule until his or her teaching assignment changes to
950 a subject for which there is an assessment or the school
951 district establishes equally appropriate measures of student
952 learning growth as defined under s. 1012.34 and rules of the
953 State Board of Education.

954 a. Base salary.—The base salary shall be established as
955 follows:

956 (I) The base salary for instructional personnel or school
957 administrators who opt into the performance salary schedule

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958 shall be the salary paid in the prior year, including
959 adjustments only.

960 (II) No sooner than ~~Beginning~~ July 1, 2016 ~~2014~~,
961 instructional personnel or school administrators new to the
962 district, returning to the district after a break in service
963 without an authorized leave of absence, or appointed for the
964 first time to a position in the district in the capacity of
965 instructional personnel or school administrator shall be placed
966 on the performance salary schedule.

967 b. Salary adjustments.—Salary adjustments for highly
968 effective or effective performance shall be established as
969 follows:

970 (I) The annual salary adjustment under the performance
971 salary schedule for an employee rated as highly effective must
972 be greater than the highest annual salary adjustment available
973 to an employee of the same classification through any other
974 salary schedule adopted by the district.

975 (II) The annual salary adjustment under the performance
976 salary schedule for an employee rated as effective must be equal
977 to at least 50 percent and no more than 75 percent of the annual
978 adjustment provided for a highly effective employee of the same
979 classification.

980 (III) The performance salary schedule shall not provide an
981 annual salary adjustment for an employee who receives a rating
982 other than highly effective or effective for the year.

983 c. Salary supplements.—In addition to the salary
984 adjustments, each district school board shall provide for salary
985 supplements for activities that must include, but are not
986 limited to:

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

988 (II) Assignment to a school that earned a grade of "F" or
989 three consecutive grades of "D" pursuant to s. 1008.34 such that
990 the supplement remains in force for at least 1 year following
991 improved performance in that school.

992 (III) Certification and teaching in critical teacher
993 shortage areas. Statewide critical teacher shortage areas shall
994 be identified by the State Board of Education under s. 1012.07.
995 However, the district school board may identify other areas of
996 critical shortage within the school district for purposes of
997 this sub-sub-subparagraph and may remove areas identified by the
998 state board which do not apply within the school district.

999 (IV) Assignment of additional academic responsibilities.

1000

1001 If budget constraints in any given year limit a district school
1002 board's ability to fully fund all adopted salary schedules, the
1003 performance salary schedule shall not be reduced on the basis of
1004 total cost or the value of individual awards in a manner that is
1005 proportionally greater than reductions to any other salary
1006 schedules adopted by the district.

1007 Section 9. Subsection (4) of section 1012.335, Florida
1008 Statutes, is amended to read:

1009 1012.335 Contracts with instructional personnel hired on or
1010 after July 1, 2011.—

1011 (4) ~~SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON~~
1012 ~~ANNUAL CONTRACT.~~—Any instructional personnel with an annual
1013 contract may be suspended or dismissed at any time during the
1014 term of the contract for just cause as provided in subsection
1015 (5). The district school board shall notify the employee in

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1016 writing whenever charges are made and may suspend such person
1017 without pay. However, if the charges are not sustained, the
1018 employee shall be immediately reinstated and his or her back pay
1019 shall be paid. If the employee wishes to contest the charges, he
1020 or she must, within 15 days after receipt of the written notice,
1021 submit to the district school board a written request for a
1022 hearing ~~to the district school board~~. The hearing is conducted
1023 at the district school board's election in accordance with one
1024 of the following procedures:

1025 (a) The district school board shall conduct a direct
1026 hearing ~~shall be conducted by the district school board or a~~
1027 ~~subcommittee thereof~~ within 60 days after receipt of the written
1028 request ~~appeal~~. The hearing shall be conducted in accordance
1029 with ss. 120.569 and 120.57. A majority vote of the membership
1030 of the district school board is ~~shall be~~ required to sustain the
1031 district school superintendent's recommendation. The district
1032 school board's determination is final as to the sufficiency or
1033 insufficiency of the grounds for termination of employment;
1034 ~~suspension without pay or dismissal. Any such decision adverse~~
1035 ~~to the employee may be appealed by the employee pursuant to s.~~
1036 ~~120.68.~~

1037 (b) A subcommittee of the district school board shall
1038 conduct a direct hearing within 60 days after receipt of the
1039 written request. The hearing shall be conducted in accordance
1040 with ss. 120.569 and 120.57. The subcommittee of the district
1041 school board shall submit to the full district school board its
1042 recommendation. A majority vote of the membership of the
1043 district school board is required to sustain the subcommittee's
1044 recommendation. The determination of the district school board

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1045 is final as to the sufficiency or insufficiency of the grounds
1046 for termination of employment; or

1047 (c) An administrative law judge assigned by the Division of
1048 Administrative Hearings within the Department of Management
1049 Services shall conduct a hearing within 60 days after receipt of
1050 the written request in accordance with chapter 120. The
1051 administrative law judge shall submit to the district school
1052 board his or her recommendation. A majority vote of the
1053 membership of the district school board is required to sustain
1054 or change the administrative law judge's recommendation. The
1055 determination of the district school board is final as to the
1056 sufficiency or insufficiency of the grounds for termination of
1057 employment.

1058
1059 The employee may appeal any adverse decision pursuant to s.
1060 120.68, if the appeal is filed within 30 days after the
1061 determination of the district school board.

1062 Section 10. Paragraph (a) of subsection (3), subsection
1063 (4), and paragraphs (b) and (e) of subsection (7) of section
1064 1012.34, Florida Statutes, are amended to read:

1065 1012.34 Personnel evaluation procedures and criteria.—

1066 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
1067 personnel and school administrator performance evaluations must
1068 be based upon the performance of students assigned to their
1069 classrooms or schools, as provided in this section. Pursuant to
1070 this section, a school district's performance evaluation is not
1071 limited to basing unsatisfactory performance of instructional
1072 personnel and school administrators solely upon student
1073 performance, but may include other criteria approved to evaluate

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1074 instructional personnel and school administrators' performance,
1075 or any combination of student performance and other approved
1076 criteria. Evaluation procedures and criteria must comply with,
1077 but are not limited to, the following:

1078 (a) A performance evaluation must be conducted for each
1079 employee at least once a year, except that a classroom teacher,
1080 as defined in s. 1012.01(2)(a), excluding substitute teachers,
1081 who is newly hired by the district school board must be observed
1082 and evaluated at least twice in the first year of teaching in
1083 the school district. The performance evaluation must be based
1084 upon sound educational principles and contemporary research in
1085 effective educational practices. The evaluation criteria must
1086 include:

1087 1. Performance of students.—At least 25 ~~50~~ percent of a
1088 performance evaluation must be based upon data and indicators of
1089 student learning growth assessed annually by statewide
1090 assessments or, for subjects and grade levels not measured by
1091 statewide assessments, by school district assessments as
1092 provided in s. 1008.22(8). Each school district must use the
1093 formula adopted pursuant to paragraph (7)(a) for measuring
1094 student learning growth in all courses associated with statewide
1095 assessments and must select an equally appropriate formula for
1096 measuring student learning growth for all other grades and
1097 subjects, except as otherwise provided in subsection (7). If the
1098 state platform of item banks and assessments does not support a
1099 school district's need for a particular assessment, the
1100 Department of Education, in collaboration with a consortium of
1101 school district representatives, shall provide to the school
1102 district the needed assessment.

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1103 a. For classroom teachers, as defined in s. 1012.01(2)(a),
1104 excluding substitute teachers, the student learning growth
1105 portion of the evaluation must include growth data for students
1106 assigned to the teacher over the course of at least 3 years. If
1107 less than 3 years of data are available, the years for which
1108 data are available must be used and the percentage of the
1109 evaluation based upon student learning growth may be reduced to
1110 not less than 20 ~~40~~ percent.

1111 b. For instructional personnel who are not classroom
1112 teachers, the student learning growth portion of the evaluation
1113 must include growth data on statewide assessments for students
1114 assigned to the instructional personnel over the course of at
1115 least 3 years, or may include a combination of student learning
1116 growth data and other measurable student outcomes that are
1117 specific to the assigned position, provided that the student
1118 learning growth data accounts for not less than 20 ~~30~~ percent of
1119 the evaluation. If less than 3 years of student growth data are
1120 available, the years for which data are available must be used
1121 and the percentage of the evaluation based upon student learning
1122 growth may be reduced to not less than 20 percent.

1123 c. For school administrators, the student learning growth
1124 portion of the evaluation must include growth data for students
1125 assigned to the school over the course of at least 3 years. If
1126 less than 3 years of data are available, the years for which
1127 data are available must be used and the percentage of the
1128 evaluation based upon student learning growth may be reduced to
1129 not less than 20 ~~40~~ percent.

1130 2. Instructional practice.—Evaluation criteria used when
1131 annually observing classroom teachers, as defined in s.

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1132 1012.01(2)(a), excluding substitute teachers, must include
1133 indicators based upon each of the Florida Educator Accomplished
1134 Practices adopted by the State Board of Education. For
1135 instructional personnel who are not classroom teachers,
1136 evaluation criteria must be based upon indicators of the Florida
1137 Educator Accomplished Practices and may include specific job
1138 expectations related to student support.

1139 3. Instructional leadership.—For school administrators,
1140 evaluation criteria must include indicators based upon each of
1141 the leadership standards adopted by the State Board of Education
1142 under s. 1012.986, including performance measures related to the
1143 effectiveness of classroom teachers in the school, the
1144 administrator's appropriate use of evaluation criteria and
1145 procedures, recruitment and retention of effective and highly
1146 effective classroom teachers, improvement in the percentage of
1147 instructional personnel evaluated at the highly effective or
1148 effective level, and other leadership practices that result in
1149 student learning growth. The system may include a means to give
1150 parents and instructional personnel an opportunity to provide
1151 input into the administrator's performance evaluation.

1152 4. Professional and job responsibilities.—For instructional
1153 personnel and school administrators, other professional and job
1154 responsibilities must be included as adopted by the State Board
1155 of Education. The district school board may identify additional
1156 professional and job responsibilities.

1157 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
1158 employee who holds a professional service contract as provided
1159 in s. 1012.33 is not performing his or her duties in a
1160 satisfactory manner, the evaluator shall notify the employee in

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1161 writing of such determination. The notice must describe such
1162 unsatisfactory performance and include notice of the following
1163 procedural requirements:

1164 (a) Upon delivery of a notice of unsatisfactory
1165 performance, the evaluator must confer with the employee who
1166 holds a professional service contract, make recommendations with
1167 respect to specific areas of unsatisfactory performance, and
1168 provide assistance in helping to correct deficiencies within a
1169 prescribed period of time.

1170 (b)1. The employee who holds a professional service
1171 contract shall be placed on performance probation and governed
1172 by the provisions of this section for 90 calendar days following
1173 the receipt of the notice of unsatisfactory performance to
1174 demonstrate corrective action. School holidays and school
1175 vacation periods are not counted when calculating the 90-
1176 calendar-day period. During the 90 calendar days, the employee
1177 who holds a professional service contract must be evaluated
1178 periodically and apprised of progress achieved and must be
1179 provided assistance and inservice training opportunities to help
1180 correct the noted performance deficiencies. At any time during
1181 the 90 calendar days, the employee who holds a professional
1182 service contract may request a transfer to another appropriate
1183 position with a different supervising administrator; however, if
1184 a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),
1185 it does not extend the period for correcting performance
1186 deficiencies.

1187 2. Within 14 days after the close of the 90 calendar days,
1188 the evaluator must evaluate whether the performance deficiencies
1189 have been corrected and forward a recommendation to the district

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1190 school superintendent. Within 14 days after receiving the
1191 evaluator's recommendation, the district school superintendent
1192 must notify the employee who holds a professional service
1193 contract in writing whether the performance deficiencies have
1194 been satisfactorily corrected and whether the district school
1195 superintendent will recommend that the district school board
1196 continue or terminate his or her employment contract. If the
1197 employee wishes to contest the district school superintendent's
1198 recommendation, the employee must, within 15 days after receipt
1199 of the district school superintendent's recommendation, submit a
1200 written request for a hearing. The hearing shall be conducted at
1201 the district school board's election in accordance with one of
1202 the following procedures:

1203 a. The district school board shall conduct a direct hearing
1204 ~~conducted by the district school board~~ within 60 days after
1205 receipt of the written request ~~appeal~~. The hearing shall be
1206 conducted in accordance with ~~the provisions of~~ ss. 120.569 and
1207 120.57. A majority vote of the membership of the district school
1208 board is ~~shall be~~ required to sustain the district school
1209 superintendent's recommendation. The determination of the
1210 district school board is ~~shall be~~ final as to the sufficiency or
1211 insufficiency of the grounds for termination of employment; ~~or~~

1212 b. A subcommittee of the district school board shall
1213 conduct a direct hearing within 60 days after receipt of the
1214 written request. The hearing shall be conducted in accordance
1215 with ss. 120.569 and 120.57. The subcommittee of the district
1216 school board shall submit to the full district school board its
1217 recommendation. A majority vote of the membership of the
1218 district school board is required to sustain the subcommittee's

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1219 recommendation. The determination of the district school board
1220 is final as to the sufficiency or insufficiency of the grounds
1221 for termination of employment; or

1222 c.b. An administrative law judge assigned by the Division
1223 of Administrative Hearings of the Department of Management
1224 Services shall conduct a hearing ~~conducted by an administrative~~
1225 ~~law judge assigned by the Division of Administrative Hearings of~~
1226 ~~the Department of Management Services. The hearing shall be~~
1227 ~~conducted~~ within 60 days after receipt of the written request
1228 appeal in accordance with chapter 120. The ~~recommendation of the~~
1229 administrative law judge shall submit ~~be made~~ to the district
1230 school board his or her recommendation. A majority vote of the
1231 membership of the district school board is ~~shall be~~ required to
1232 sustain or change the administrative law judge's recommendation.
1233 The determination of the district school board is ~~shall be~~ final
1234 as to the sufficiency or insufficiency of the grounds for
1235 termination of employment.

1236
1237 The employee may appeal any adverse decision pursuant to s.
1238 120.68, if the appeal is filed within 30 days after the
1239 determination of the district school board.

1240 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

1241 (b) No sooner than ~~Beginning in the~~ 2013-2014 ~~2011-2012~~
1242 school year, each school district shall measure student learning
1243 growth using the formula approved by the commissioner under
1244 paragraph (a) for courses associated with the FCAT. Each school
1245 district shall implement the additional student learning growth
1246 measures selected by the commissioner under paragraph (a) for
1247 the remainder of the statewide assessments included under s.

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1248 1008.22 as they become available. No sooner than ~~Beginning in~~
1249 the 2016-2017 ~~2014-2015~~ school year, for grades and subjects not
1250 assessed by statewide assessments but otherwise assessed as
1251 required under s. 1008.22(8), each school district shall measure
1252 student learning growth using an equally appropriate formula.
1253 The department shall provide models for measuring student
1254 learning growth which school districts may adopt.

1255 (e) For classroom teachers of courses for which the
1256 district has not implemented appropriate assessments under s.
1257 1008.22(8) or for which the school district has not adopted an
1258 equally appropriate measure of student learning growth under
1259 paragraphs (b)-(d), student learning growth must be measured by
1260 the growth in learning of the classroom teacher's students on
1261 statewide assessments, or, for courses in which enrolled
1262 students do not take the statewide assessments, measurable
1263 learning targets must be established based upon the goals of the
1264 school improvement plan and approved by the school principal. A
1265 district school superintendent may assign to instructional
1266 personnel in an instructional team the student learning growth
1267 of the instructional team's students on statewide assessments.
1268 ~~This paragraph expires July 1, 2015.~~

1269 Section 11. This act shall take effect July 1, 2013.