

1 A bill to be entitled
 2 An act relating to educational personnel evaluation;
 3 amending s. 1012.34, F.S.; revising the criteria upon
 4 which the performance of instructional personnel and
 5 school administrators is evaluated; revising
 6 provisions relating to the measurement of student
 7 learning growth for purposes of the performance
 8 evaluation of classroom and nonclassroom teachers;
 9 requiring the State Board of Education to establish a
 10 fair method to ascertain student learning growth used
 11 to evaluate teachers of exceptional students and
 12 students who are not tested by statewide assessments
 13 or end-of-course assessments; amending s. 1012.22,
 14 F.S.; conforming provisions to changes made by the
 15 act; providing an effective date.

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

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 19 Section 1. Paragraph (a) of subsection (3), paragraphs (d)
 20 and (e) of subsection (7), and subsection (8) of section
 21 1012.34, Florida Statutes, are amended to read:

22 1012.34 Personnel evaluation procedures and criteria.—

23 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 24 personnel and school administrator performance evaluations must
 25 be based upon the performance of students assigned to their
 26 classrooms or schools, as provided in this section. Pursuant to
 27 this section, a school district's performance evaluation is not
 28 limited to basing unsatisfactory performance of instructional

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29 | personnel and school administrators solely upon student
30 | performance, but may include other criteria approved to evaluate
31 | instructional personnel and school administrators' performance,
32 | or any combination of student performance and other approved
33 | criteria. Evaluation procedures and criteria must comply with,
34 | but are not limited to, the following:

35 | (a) A performance evaluation must be conducted for each
36 | employee at least once a year, except that a classroom teacher,
37 | as defined in s. 1012.01(2)(a), excluding substitute teachers,
38 | who is newly hired by the district school board must be observed
39 | and evaluated at least twice in the first year of teaching in
40 | the school district. The performance evaluation must be based
41 | upon sound educational principles and contemporary research in
42 | effective educational practices. The evaluation criteria must
43 | include:

44 | 1. Performance of students.—At least 50 percent of a
45 | performance evaluation must be based upon data and indicators of
46 | student learning growth assessed annually by statewide
47 | assessments or, for subjects and grade levels not measured by
48 | statewide assessments, by school district assessments as
49 | provided in s. 1008.22(8). Each school district must use the
50 | formula adopted pursuant to paragraph (7)(a) for measuring
51 | student learning growth in all courses associated with statewide
52 | assessments and must select an equally appropriate methodology
53 | ~~formula~~ for measuring student learning growth for all other
54 | grades and subjects, except as otherwise provided in subsection
55 | (7).

56 | a. For classroom teachers, as defined in s. 1012.01(2)(a),

57 | excluding substitute teachers, the student learning growth
58 | portion of the evaluation must include growth data for students
59 | assigned to the teacher over the course of at least 3 years. If
60 | less than 3 years of data are available, the years for which
61 | data are available must be used and the percentage of the
62 | evaluation based upon student learning growth may be reduced to
63 | not less than 40 percent.

64 | b. For instructional personnel who are not classroom
65 | teachers, the student learning growth portion of the evaluation
66 | must include ~~growth data on statewide assessments for students~~
67 | ~~assigned to the instructional personnel over the course of at~~
68 | ~~least 3 years, or may include~~ a combination of student learning
69 | growth data and other measurable student outcomes that are
70 | specific to the assigned position, provided that the student
71 | learning growth data accounts for not less than 30 percent of
72 | the evaluation. If less than 3 years of student growth data are
73 | available, the years for which data are available must be used
74 | and the percentage of the evaluation based upon student learning
75 | growth may be reduced to not less than 20 percent.

76 | c. For school administrators, the student learning growth
77 | portion of the evaluation must include growth data for students
78 | assigned to the school over the course of at least 3 years. If
79 | less than 3 years of data are available, the years for which
80 | data are available must be used and the percentage of the
81 | evaluation based upon student learning growth may be reduced to
82 | not less than 40 percent.

83 | 2. Instructional practice.—Evaluation criteria used when
84 | annually observing classroom teachers, as defined in s.

85 1012.01(2)(a), excluding substitute teachers, must include
86 indicators based upon each of the Florida Educator Accomplished
87 Practices adopted by the State Board of Education. For
88 instructional personnel who are not classroom teachers,
89 evaluation criteria must be based upon indicators of the Florida
90 Educator Accomplished Practices and may include specific job
91 expectations related to student support.

92 3. Instructional leadership.—For school administrators,
93 evaluation criteria must include indicators based upon each of
94 the leadership standards adopted by the State Board of Education
95 under s. 1012.986, including performance measures related to the
96 effectiveness of classroom teachers in the school, the
97 administrator's appropriate use of evaluation criteria and
98 procedures, recruitment and retention of effective and highly
99 effective classroom teachers, improvement in the percentage of
100 instructional personnel evaluated at the highly effective or
101 effective level, and other leadership practices that result in
102 student learning growth. The system may include a means to give
103 parents and instructional personnel an opportunity to provide
104 input into the administrator's performance evaluation.

105 4. Professional and job responsibilities.—For
106 instructional personnel and school administrators, other
107 professional and job responsibilities must be included as
108 adopted by the State Board of Education. The district school
109 board may identify additional professional and job
110 responsibilities.

111 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

112 ~~(d) If the student learning growth in a course is not~~

113 ~~measured by a statewide assessment but is measured by a school~~
114 ~~district assessment, a school district may request, through the~~
115 ~~evaluation system approval process, that the performance~~
116 ~~evaluation for the classroom teacher assigned to that course~~
117 ~~include the learning growth of his or her students on FCAT~~
118 ~~Reading or FCAT Mathematics. The request must clearly explain~~
119 ~~the rationale supporting the request. However, the classroom~~
120 ~~teacher's performance evaluation must give greater weight to~~
121 ~~student learning growth on the district assessment.~~

122 (d)(e) For classroom teachers of courses for which the
123 district has not implemented appropriate assessments under s.
124 1008.22(8), ~~or~~ for which the school district has not adopted an
125 equally appropriate measure of student learning growth under
126 paragraphs (b)-(c) ~~(b)-(d)~~, ~~student learning growth must be~~
127 ~~measured by the growth in learning of the classroom teacher's~~
128 ~~students on statewide assessments, or, for courses in which~~
129 ~~enrolled students do not take the statewide assessments,~~
130 ~~measurable learning targets must be established based upon the~~
131 ~~goals of the school improvement plan and approved by the school~~
132 ~~principal. A district school superintendent may assign to~~
133 ~~instructional personnel in an instructional team the student~~
134 ~~learning growth of the instructional team's students on~~
135 ~~statewide assessments. This paragraph expires July 1, 2015.~~

136 (8) RULEMAKING.—The State Board of Education shall adopt
137 rules pursuant to ss. 120.536(1) and 120.54 which establish
138 uniform procedures for the submission, review, and approval of
139 district evaluation systems and reporting requirements for the
140 annual evaluation of instructional personnel and school

141 administrators; specific, discrete standards for each
142 performance level required under subsection (2) to ensure clear
143 and sufficient differentiation in the performance levels and to
144 provide consistency in meaning across school districts; a fair
145 and equitable method that is appropriately related to the
146 subject content area or the student's developmental level to
147 ascertain student learning growth used to evaluate teachers of
148 exceptional students and other students who are not tested by
149 statewide assessments or end-of-course assessments; the
150 measurement of student learning growth and associated
151 implementation procedures required under subsection (7); a
152 process to permit instructional personnel to review the class
153 roster for accuracy and to correct any mistakes relating to the
154 identity of students for whom the individual is responsible; and
155 a process for monitoring school district implementation of
156 evaluation systems in accordance with this section.
157 Specifically, the rules shall establish a student learning
158 growth standard that if not met will result in the employee
159 receiving an unsatisfactory performance evaluation rating. In
160 like manner, the rules shall establish a student learning growth
161 standard that must be met in order for an employee to receive a
162 highly effective rating and a student learning growth standard
163 that must be met in order for an employee to receive an
164 effective rating.

165 Section 2. Paragraph (c) of subsection (1) of section
166 1012.22, Florida Statutes, is amended to read:

167 1012.22 Public school personnel; powers and duties of the
168 district school board.—The district school board shall:

169 (1) Designate positions to be filled, prescribe
170 qualifications for those positions, and provide for the
171 appointment, compensation, promotion, suspension, and dismissal
172 of employees as follows, subject to the requirements of this
173 chapter:

174 (c) Compensation and salary schedules.—

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

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

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

183 c. "Instructional personnel" means instructional personnel
184 as defined in s. 1012.01(2)(a)-(d), excluding substitute
185 teachers.

186 d. "Performance salary schedule" means the salary schedule
187 or schedules adopted by a district school board pursuant to
188 subparagraph 5.

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

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

193 g. "Supplement" means an annual addition to the base
194 salary for the term of the negotiated supplement as long as the
195 employee continues his or her employment for the purpose of the
196 supplement. A supplement does not become part of the employee's

197 continuing base salary but shall be considered compensation
198 under s. 121.021(22).

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

201 a. Does not discriminate among comparable classes of
202 employees based upon the salary schedule under which they are
203 compensated.

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

206 3. Advanced degrees.—A district school board may not use
207 advanced degrees in setting a salary schedule for instructional
208 personnel or school administrators hired on or after July 1,
209 2011, unless the advanced degree is held in the individual's
210 area of certification and is only a salary supplement.

211 4. Grandfathered salary schedule.—

212 a. The district school board shall adopt a salary schedule
213 or salary schedules to be used as the basis for paying all
214 school employees hired before July 1, 2014. Instructional
215 personnel on annual contract as of July 1, 2014, shall be placed
216 on the performance salary schedule adopted under subparagraph 5.
217 Instructional personnel on continuing contract or professional
218 service contract may opt into the performance salary schedule if
219 the employee relinquishes such contract and agrees to be
220 employed on an annual contract under s. 1012.335. Such an
221 employee shall be placed on the performance salary schedule and
222 may not return to continuing contract or professional service
223 contract status. Any employee who opts into the performance
224 salary schedule may not return to the grandfathered salary

225 | schedule.

226 | b. In determining the grandfathered salary schedule for
227 | instructional personnel, a district school board must base a
228 | portion of each employee's compensation upon performance
229 | demonstrated under s. 1012.34 and shall provide differentiated
230 | pay for both instructional personnel and school administrators
231 | based upon district-determined factors, including, but not
232 | limited to, additional responsibilities, school demographics,
233 | critical shortage areas, and level of job performance
234 | difficulties.

235 | 5. Performance salary schedule.—By July 1, 2014, the
236 | district school board shall adopt a performance salary schedule
237 | that provides annual salary adjustments for instructional
238 | personnel and school administrators based upon performance
239 | determined under s. 1012.34. Employees hired on or after July 1,
240 | 2014, or employees who choose to move from the grandfathered
241 | salary schedule to the performance salary schedule shall be
242 | compensated pursuant to the performance salary schedule once
243 | they have received the appropriate performance evaluation for
244 | this purpose. However, a classroom teacher whose performance
245 | evaluation utilizes ~~student learning growth~~ measures established
246 | under s. 1012.34(7)(d) ~~1012.34(7)(e)~~ shall remain under the
247 | grandfathered salary schedule until his or her teaching
248 | assignment changes to a subject for which there is an assessment
249 | or the school district establishes equally appropriate measures
250 | of student learning growth as defined under s. 1012.34 and rules
251 | of the State Board of Education.

252 | a. Base salary.—The base salary shall be established as

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253 follows:

254 (I) The base salary for instructional personnel or school
255 administrators who opt into the performance salary schedule
256 shall be the salary paid in the prior year, including
257 adjustments only.

258 (II) Beginning July 1, 2014, instructional personnel or
259 school administrators new to the district, returning to the
260 district after a break in service without an authorized leave of
261 absence, or appointed for the first time to a position in the
262 district in the capacity of instructional personnel or school
263 administrator shall be placed on the performance salary
264 schedule.

265 b. Salary adjustments.—Salary adjustments for highly
266 effective or effective performance shall be established as
267 follows:

268 (I) The annual salary adjustment under the performance
269 salary schedule for an employee rated as highly effective must
270 be greater than the highest annual salary adjustment available
271 to an employee of the same classification through any other
272 salary schedule adopted by the district.

273 (II) The annual salary adjustment under the performance
274 salary schedule for an employee rated as effective must be equal
275 to at least 50 percent and no more than 75 percent of the annual
276 adjustment provided for a highly effective employee of the same
277 classification.

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

281 c. Salary supplements.—In addition to the salary
282 adjustments, each district school board shall provide for salary
283 supplements for activities that must include, but are not
284 limited to:

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

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

290 (III) Certification and teaching in critical teacher
291 shortage areas. Statewide critical teacher shortage areas shall
292 be identified by the State Board of Education under s. 1012.07.
293 However, the district school board may identify other areas of
294 critical shortage within the school district for purposes of
295 this sub-sub-subparagraph and may remove areas identified by the
296 state board which do not apply within the school district.

297 (IV) Assignment of additional academic responsibilities.

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

305 Section 3. This act shall take effect July 1, 2013.