

By Senator Gibson

9-01134-13

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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.

16  
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  
29           personnel and school administrators solely upon student

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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

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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

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

110 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

111 ~~(d) If the student learning growth in a course is not~~  
112 ~~measured by a statewide assessment but is measured by a school~~  
113 ~~district assessment, a school district may request, through the~~  
114 ~~evaluation system approval process, that the performance~~  
115 ~~evaluation for the classroom teacher assigned to that course~~  
116 ~~include the learning growth of his or her students on FCAT~~

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117 ~~Reading or FCAT Mathematics. The request must clearly explain~~  
118 ~~the rationale supporting the request. However, the classroom~~  
119 ~~teacher's performance evaluation must give greater weight to~~  
120 ~~student learning growth on the district assessment.~~

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

135 (8) RULEMAKING.—The State Board of Education shall adopt  
136 rules pursuant to ss. 120.536(1) and 120.54 which establish  
137 uniform procedures for the submission, review, and approval of  
138 district evaluation systems and reporting requirements for the  
139 annual evaluation of instructional personnel and school  
140 administrators; specific, discrete standards for each  
141 performance level required under subsection (2) to ensure clear  
142 and sufficient differentiation in the performance levels and to  
143 provide consistency in meaning across school districts; a fair  
144 and equitable method that is appropriately related to the  
145 subject content area or the student's developmental level to

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146 ascertain student learning growth used to evaluate teachers of  
147 exceptional students and other students who are not tested by  
148 statewide assessments or end-of-course assessments; the  
149 measurement of student learning growth and associated  
150 implementation procedures required under subsection (7); a  
151 process to permit instructional personnel to review the class  
152 roster for accuracy and to correct any mistakes relating to the  
153 identity of students for whom the individual is responsible; and  
154 a process for monitoring school district implementation of  
155 evaluation systems in accordance with this section.  
156 Specifically, the rules shall establish a student learning  
157 growth standard that if not met will result in the employee  
158 receiving an unsatisfactory performance evaluation rating. In  
159 like manner, the rules shall establish a student learning growth  
160 standard that must be met in order for an employee to receive a  
161 highly effective rating and a student learning growth standard  
162 that must be met in order for an employee to receive an  
163 effective rating.

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

166 1012.22 Public school personnel; powers and duties of the  
167 district school board.—The district school board shall:

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

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

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

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

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

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

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

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

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

192 g. "Supplement" means an annual addition to the base salary  
193 for the term of the negotiated supplement as long as the  
194 employee continues his or her employment for the purpose of the  
195 supplement. A supplement does not become part of the employee's  
196 continuing base salary but shall be considered compensation  
197 under s. 121.021(22).

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

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

203 b. Does not exceed 50 percent of the annual adjustment

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204 provided to instructional personnel rated as effective.

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

210 4. Grandfathered salary schedule.—

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

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



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233 difficulties.

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

251       a. Base salary.—The base salary shall be established as  
252 follows:

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

257       (II) Beginning July 1, 2014, instructional personnel or  
258 school administrators new to the district, returning to the  
259 district after a break in service without an authorized leave of  
260 absence, or appointed for the first time to a position in the  
261 district in the capacity of instructional personnel or school

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262 administrator shall be placed on the performance salary  
263 schedule.

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

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

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

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

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

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

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

289 (III) Certification and teaching in critical teacher  
290 shortage areas. Statewide critical teacher shortage areas shall

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291 be identified by the State Board of Education under s. 1012.07.  
292 However, the district school board may identify other areas of  
293 critical shortage within the school district for purposes of  
294 this sub-sub-subparagraph and may remove areas identified by the  
295 state board which do not apply within the school district.

296 (IV) Assignment of additional academic responsibilities.

297

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

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