

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 980

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Education); Education Committee; and Senator Flores

SUBJECT: Educational Personnel Evaluations

DATE: April 24, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	Fav/CS
2.	Armstrong	Elwell	AED	Fav/CS
3.	Elwell	Hansen	AP	Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 980 revises the criteria for the performance evaluation of classroom teachers and nonclassroom instructional personnel. The student learning growth portion of a classroom teacher’s evaluation must only be based on the performance of students assigned to the teacher in the subjects taught by him or her. For nonclassroom instructional personnel, the student learning growth portion of the evaluation is based on performance data that reflects their actual contributions to the performance of students actually assigned to their areas of responsibility.

The bill prohibits the assignment of a student in consecutive school years to an elementary school classroom teacher who received an evaluation of “unsatisfactory” or “needs improvement”. Similarly, the bill prohibits the assignment of a student in consecutive school years to a middle or high school classroom teacher of the same subject who received an evaluation of “unsatisfactory” or “needs improvement”. A parent may choose to have a student taught by a teacher who received an evaluation of “unsatisfactory” or “needs improvement” and who teaches extracurricular courses, if the parent provides written consent.

The bill requires a school district to approve and publish any district-mandated testing administration schedules on its website and report the schedules to the Department of Education by October 1, annually.

The bill has no fiscal impact on state appropriations.

The bill is effective July 1, 2013.

This bill amends ss. 1008.22 and 1012.2315 of the Florida Statutes and creates an undesignated section of law.

II. Present Situation:

Florida's educator evaluation system differentiates among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;¹ and unsatisfactory.²

Evaluation Criteria

The Department of Education must approve each school district's instructional personnel and school administrator performance evaluation system.³ Components of the performance evaluation system are divided into three parts: performance of students, instructional practice or leadership, (for instructional or administrative personnel, respectively), and professional responsibilities.⁴ The Commissioner of Education is required to consult with instructional personnel, school administrators, education stakeholders, and experts in developing the performance levels for the evaluation system.⁵

At least fifty percent of the evaluation for classroom teachers⁶ and other instructional personnel are based on student performance for students assigned to them over a 3-year period.⁷ For other instructional personnel,⁸ a school district may include specific job-performance expectations related to student support and use student learning growth data and other measurable student outcomes specific to the individual's assignment, as long as the student learning growth accounts for at least 30 percent of the evaluation.⁹ The remainder of the evaluation must be based on the Florida Educator Accomplished Practices and professional responsibilities.¹⁰

¹ Section 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

² s. 1012.34(2), F.S.

³ s. 1012.34(1)(b), F.S.

⁴ s. 1012.34(3)(a), F.S.

⁵ s. 1012.34(2)(e), F.S.

⁶ See s. 1012.01(2)(a), F.S., excluding substitute teachers.

⁷ s. 1012.34(3)(a), F.S.

⁸ See s. 1012.01(2)(b)-(e), F.S., which includes student personnel services, librarians and media specialists, other instructional staff, such as learning resource specialists, instructional trainers, and adjunct educators, and education paraprofessionals.

⁹ s. 1012.34(3)(a)1.b., F.S.

¹⁰ s. 1012.34(3)(a)2. and 4., F.S.

At least fifty percent of a school administrator's evaluation is based on student performance over a 3-year period.¹¹ The remainder of the evaluation is based on indicators that include the recruitment and retention of effective or highly effective teachers, improvement in the percentage of classroom teachers evaluated at the effective or highly effective level, other leadership practices that result in improved student outcomes, and professional responsibilities.¹²

If less than 3 years of student learning growth data is available for an evaluation, the district must include the years for which data is available and may reduce the percentage of the evaluation based on student learning growth to not less than 40 percent for classroom teachers and school administrators and not less than 20 percent for other instructional personnel.¹³

Assessments

School districts are required to use the state's learning growth model for FCAT-related courses beginning in the 2011-2012 school year.¹⁴ School districts must use comparable measures of student growth for other grades and subjects with the department's assistance, if needed.¹⁵ Additionally, districts are permitted to request alternatives to the growth measure, if justified, through the evaluation approval process.¹⁶

The law requires school districts, beginning with the 2014-2015 school year, to administer local assessments that measure student mastery of the content.¹⁷ The school district can use statewide assessments, other standardized assessments, including nationally recognized standardized assessments, industry certification examinations, or district-developed or selected end-of-course assessments.¹⁸

A district that has not implemented an assessment for a course or has not adopted a comparable measure of student learning growth has the discretion to use two alternative growth measures for a classroom teacher who teaches the course: student learning growth on statewide assessments or student learning growth based on measurable learning targets in the school improvement plan.¹⁹ Additionally, a district school superintendent may assign to an instructional team, the student learning growth of the team's students on statewide assessments.²⁰

Pay

Current law provides for a new performance pay salary schedule that requires a base salary schedule with salary increases for a highly effective or effective teacher or school administrator,

¹¹ s. 1012.34(3)(a)1.c., F.S.

¹² s. 1012.34(3)(a)3. and 4., F.S.

¹³ s. 1012.34(3)(a)1., F.S.

¹⁴ s. 1012.34(7)(b), F.S.

¹⁵ *Id.*

¹⁶ s. 1012.34(7)(c) and (d), F.S. The DOE approves each school district's instructional personnel and school administrator performance evaluation system

¹⁷ s. 1008.22(8), F.S.

¹⁸ s. 1008.22(8)(b), F.S.

¹⁹ s. 1012.34(7)(d) and (e), F.S.

²⁰ s. 1012.34(7)(e), F.S.

as determined by his or her evaluation.²¹ The law also requires a district school board to adopt a grandfathered salary schedule or salary schedules for use as the basis for paying all school employees hired before July 1, 2014.²²

Assignment of Classroom Teachers

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.²³ School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to these schools.²⁴ The law requires each district school board to notify the parents of students who are assigned to an out-of-field teacher.²⁵

Each district school board must adopt a plan to assist teachers who are teaching out-of-field.²⁶ These teachers must be afforded priority consideration in professional development activities. Additionally, districts must require the teachers to participate in a certification or a staff development program that improves their performance.²⁷

III. Effect of Proposed Changes:

Performance Evaluations

CS/CS/SB 980 revises the criteria for evaluating classroom teachers and instructional personnel for purposes of the performance pay schedule in s. 1012.22, F.S. The Department of Education, through the performance evaluation system approval process would ensure that the provisions of the bill are implemented.

The student learning growth portion of a classroom teacher's evaluation must only be based on the performance of students assigned to the teacher in the subjects taught by him or her. For courses associated with a statewide assessment, a student achievement measure may be used rather than student learning growth, if there is no approved statewide growth formula for the assessment. For courses associated with a school district assessment, a student achievement measure may be used rather than student learning growth, if student achievement is a more appropriate measure of performance. The remaining portion of the evaluation would be based on instructional practice and job responsibilities that are determined by the district and are part of the state approved evaluation system.

For nonclassroom instructional personnel, the student learning growth portion of the evaluation is based on performance data that reflects their actual contributions to the performance of students assigned to their areas of responsibility, as defined in the district-developed or district-

²¹ s. 1012.22(1)(c)4. and 5., F.S

²² *Id.*

²³ Chapter 2009-144, L.O.F., codified in section 1012.2315, F.S.

²⁴ *Id.*

²⁵ Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise.

²⁶ s. 1012.42(1), F.S.

²⁷ *Id.*

selected assessments that are a part of the state approved evaluation system. The remaining portion of their evaluation is based on instructional practice and professional and job responsibilities that are determined by the district and part of the state approved evaluation system.

In addition, the bill requires a school district to approve and publish any district-mandated testing administration schedules on its website and report the schedules to the Department of Education by October 1, annually.

Assignment of Classroom Teachers

The bill prohibits the assignment of a student in consecutive school years to an elementary school classroom teacher who received an evaluation of “unsatisfactory” or “needs improvement”. Similarly, the bill prohibits the assignment of a student in consecutive school years to a middle or high school classroom teacher of the same subject who received an evaluation of “unsatisfactory” or “needs improvement”. A parent may choose to have a student taught by a teacher who received an evaluation of “unsatisfactory” or “needs improvement” and who teaches extracurricular courses, if the parent provides written consent.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on April 23, 2013:

The committee substitute:

- Prohibits the assignment of a student in consecutive school years to an elementary school classroom teacher who received an evaluation of “unsatisfactory” or “needs improvement”;
- Prohibits the assignment of a student in consecutive school years to a middle or high school classroom teacher of the same subject who received an evaluation of “unsatisfactory” or “needs improvement”;
- Permits a parent to have a student taught by a teacher who received an evaluation of “unsatisfactory” or “needs improvement” and who teaches extracurricular courses, if the parent provides written consent;
- Clarifies the use of student achievement measures rather than student learning growth for state versus district assessments for teacher evaluations; and
- Requires a school district to approve and publish any district-mandated testing administration schedules on its website and report the schedules to the Department of Education by October 1, annually.

CS by Committee on Education on March 18, 2013:

The committee substitute:

- Removes the provision that allows a school district to reduce the percentage of the performance evaluation of classroom teachers and other instructional personnel which is based on student performance, if the school district uses multiple measures of instructional practice.

B. Amendments:

None.