

By the Committees on Appropriations; and Education; and Senator Flores

576-04897-13

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1 A bill to be entitled  
2 An act relating to education; providing requirements  
3 for measuring student performance in instructional  
4 personnel and school administrator performance  
5 evaluations; providing requirements for the  
6 performance evaluation of personnel for purposes of  
7 the performance salary schedule; amending s. 1008.22,  
8 F.S.; requiring each school district to establish and  
9 approve testing schedules for district-mandated  
10 assessments and publish the schedules on its website;  
11 requiring reporting of the schedules to the Department  
12 of Education; amending s. 1012.2315, F.S.; prohibiting  
13 a student from being assigned in a classroom in the  
14 following school year to a teacher who received a  
15 performance evaluation rating of "needs improvement"  
16 or "unsatisfactory" in the preceding school year under  
17 certain circumstances; authorizing a parent to choose  
18 to have a student who is enrolling in an  
19 extracurricular course that is taught by a teacher who  
20 received a performance evaluation of "needs  
21 improvement" or "unsatisfactory" in the preceding  
22 school year under certain circumstances; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Notwithstanding any provision to the contrary in  
28 ss. 1012.22 and 1012.34, Florida Statutes, regarding the  
29 performance salary schedule and personnel evaluation procedures

576-04897-13

2013980c2

30 and criteria:

31 (1) At least 50 percent of a classroom teacher's or school  
32 administrator's performance evaluation, or 40 percent if less  
33 than 3 years of student performance data are available, shall be  
34 based upon learning growth or achievement of the teacher's  
35 students or, for a school administrator, the students attending  
36 that school; the remaining portion shall be based upon factors  
37 identified in district-determined, state-approved evaluation  
38 system plans. Student achievement measures for courses  
39 associated with statewide assessments may be used only if a  
40 statewide growth formula has not been approved for that  
41 assessment or, for courses associated with school district  
42 assessments, if achievement is demonstrated to be a more  
43 appropriate measure of teacher performance.

44 (2) The student performance data used in the performance  
45 evaluation of nonclassroom instructional personnel shall be  
46 based on student outcome data that reflects the actual  
47 contribution of such personnel to the performance of the  
48 students assigned to the individual in the individual's areas of  
49 responsibility.

50 (3) For purposes of the performance salary schedule in s.  
51 1012.22, Florida Statutes, the student assessment data in the  
52 performance evaluation must be from statewide assessments or  
53 district-determined assessments as required in s. 1008.22(8),  
54 Florida Statutes, in the subject areas taught.

55 Section 2. Paragraph (d) is added to subsection (8) of  
56 section 1008.22, Florida Statutes, to read:

57 1008.22 Student assessment program for public schools.—

58 (8) LOCAL ASSESSMENTS.—

576-04897-13

2013980c2

59       (d) Each school district shall establish schedules for the  
60 administration of any district-mandated assessment and approve  
61 the schedules as an agenda item at a district school board  
62 meeting. The school district shall publish the testing schedules  
63 on its website, clearly specifying the district-mandated  
64 assessments, and report the schedules to the Department of  
65 Education by October 1 of each year.

66       Section 3. Subsection (6) is added to section 1012.2315,  
67 Florida Statutes, to read:

68       1012.2315 Assignment of teachers.—

69       (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
70 EVALUATIONS.—

71       (a) If a high school or middle school student is currently  
72 taught by a classroom teacher who, during the current school  
73 year, receives a performance evaluation rating of "needs  
74 improvement" or "unsatisfactory" under s. 1012.34, the student  
75 may not be assigned in the next school year to a classroom  
76 teacher in the same subject area who received a performance  
77 evaluation rating of "needs improvement" or "unsatisfactory" in  
78 the preceding school year.

79       (b) If an elementary school student is currently taught by  
80 a classroom teacher who, during the current school year,  
81 receives a performance evaluation rating of "needs improvement"  
82 or "unsatisfactory" under s. 1012.34, the student may not be  
83 assigned in the next school year to a classroom teacher who  
84 received a performance evaluation rating of "needs improvement"  
85 or "unsatisfactory" in the preceding school year.

86       (c) For a student enrolling in an extracurricular course as  
87 defined in s. 1003.01, a parent may choose to have the student

576-04897-13

2013980c2

88 taught by a teacher who received a performance evaluation of  
89 "needs improvement" or "unsatisfactory" in the preceding school  
90 year if the student and the student's parent receive an  
91 explanation of the impact of teacher effectiveness on student  
92 learning and the principal receives written consent from the  
93 parent.

94 Section 4. This act shall take effect July 1, 2013.