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LEGISLATIVE ACTION

Senate

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House

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Floor: 4/AD/2R

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04/03/2014 05:38 PM

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Senator Montford moved the following:

**Senate Amendment (with title amendment)**

Between lines 859 and 860

insert:

Section 10. Subsection (5) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.-

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall



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12 include:

13 (a) For each school district:

14 1. The percentage of students, by school and grade level,  
15 demonstrating learning growth in English Language Arts and  
16 mathematics.

17 2. The percentage of students, by school and grade level,  
18 in both the highest and lowest quartiles demonstrating learning  
19 growth in English Language Arts and mathematics.

20 (b) Intervention and support strategies used by school  
21 boards whose students in both the highest and lowest quartiles  
22 exceed the statewide average learning growth for students in  
23 those quartiles.

24 (c) Intervention and support strategies used by school  
25 boards whose schools provide educational services to youth in  
26 Department of Juvenile Justice programs that demonstrate  
27 learning growth in English Language Arts and mathematics that  
28 exceeds the statewide average learning growth for students in  
29 those subjects. ~~Included in the report shall be a list of the~~  
30 ~~schools, including schools operating for the purpose of~~  
31 ~~providing educational services to youth in Department of~~  
32 ~~Juvenile Justice programs, for which district school boards have~~  
33 ~~developed intervention and support strategies and an analysis of~~  
34 ~~the various strategies used by the school boards.~~

35  
36 School reports shall be distributed pursuant to this subsection  
37 and s. 1001.42(18)(b) and according to rules adopted by the  
38 State Board of Education.

39 Section 11. Paragraph (a) of subsection (2) of section  
40 1011.64, Florida Statutes, is amended to read:



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41 1011.64 School district minimum classroom expenditure  
42 requirements.-

43 (2) For the purpose of implementing the provisions of this  
44 section, the Legislature shall prescribe minimum academic  
45 performance standards and minimum classroom expenditure  
46 requirements for districts not meeting such minimum academic  
47 performance standards in the General Appropriations Act.

48 (a) Minimum academic performance standards may be based on,  
49 but are not limited to, district grades determined pursuant to  
50 s. 1008.34 ~~1008.34(7)~~.

51 Section 12. Subsection (6) of section 1008.22, Florida  
52 Statutes, is amended to read:

53 1008.22 Student assessment program for public schools.-

54 (6) LOCAL ASSESSMENTS.-

55 (a) Measurement of student performance ~~learning gains~~ in  
56 all subjects and grade levels, except those subjects and grade  
57 levels measured under the statewide, standardized assessment  
58 program described in this section, is the responsibility of the  
59 school districts.

60 (b) Except for those subjects and grade levels measured  
61 under the statewide, standardized assessment program, beginning  
62 with the 2014-2015 school year, each school district shall  
63 administer for each course offered in the district a local  
64 ~~student~~ assessment that measures student mastery of course ~~the~~  
65 ~~content, as described in the state adopted course description,~~  
66 at the necessary level of rigor for the course. As adopted  
67 pursuant to State Board of Education rule, course content is set  
68 forth in the state standards required by s. 1003.41 and in the  
69 course description. Local ~~Such~~ assessments may include:



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70 1. Statewide assessments.

71 2. Other standardized assessments, including nationally  
72 recognized standardized assessments.

73 3. Industry certification assessments ~~examinations~~.

74 4. District-developed or district-selected end-of-course  
75 assessments.

76 5. Teacher-selected or principal-selected assessments.

77 (c) Each district school board must adopt policies for  
78 selection, development, administration, and scoring of local  
79 assessments and for collection of assessment results. Local  
80 assessments implemented under subparagraphs (b)4. and 5. may  
81 include a variety of assessment formats, including, but not  
82 limited to, project-based assessments, adjudicated performances,  
83 and practical application assignments. For all English Language  
84 Arts, mathematics, science, and social studies courses offered  
85 in the district that are used to meet graduation requirements  
86 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are  
87 not otherwise assessed by statewide, standardized assessments,  
88 the district school board must select the assessments described  
89 in subparagraphs (b)1.-4.

90 (d) ~~(e)~~ The Commissioner of Education shall identify methods  
91 to assist and support districts in the development and  
92 acquisition of assessments required under this subsection.  
93 Methods may include developing item banks, facilitating the  
94 sharing of developed tests among school districts, acquiring  
95 assessments from state and national curriculum-area  
96 organizations, and providing technical assistance in best  
97 professional practices of test development based upon state-  
98 adopted curriculum standards, administration, and security.



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99            (e) ~~(d)~~ Each school district shall establish schedules for  
100 the administration of any district-mandated assessment and  
101 approve the schedules as an agenda item at a district school  
102 board meeting. The school district shall publish the testing  
103 schedules on its website, clearly specifying the district-  
104 mandated assessments, and report the schedules to the Department  
105 of Education by October 1 of each year.

106            Section 13. Subsections (1), (7), and (8) of section  
107 1012.34, Florida Statutes, are amended, and subsections (9) and  
108 (10) are added to that section, to read:

109            1012.34 Personnel evaluation procedures and criteria.—

110            (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

111            (a) For the purpose of increasing student academic  
112 performance ~~learning growth~~ by improving the quality of  
113 instructional, administrative, and supervisory services in the  
114 public schools of the state, the district school superintendent  
115 shall establish procedures for evaluating the performance of  
116 duties and responsibilities of all instructional,  
117 administrative, and supervisory personnel employed by the school  
118 district. The district school superintendent shall provide  
119 instructional personnel the opportunity to review their class  
120 rosters for accuracy and to correct any mistakes. The district  
121 school superintendent shall ~~annually~~ report accurate class  
122 rosters for the purpose of calculating district and statewide  
123 student performance and annually report the evaluation results  
124 of instructional personnel and school administrators to the  
125 Department of Education in addition to the information required  
126 under subsection (5).

127            (b) The department must approve each school district's



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128 instructional personnel and school administrator evaluation  
129 systems. The department shall monitor each district's  
130 implementation of its instructional personnel and school  
131 administrator evaluation systems for compliance with the  
132 requirements of this section.

133 (c) Annually, by December 1, ~~2012~~, the Commissioner of  
134 Education shall report to the Governor, the President of the  
135 Senate, and the Speaker of the House of Representatives the  
136 approval and implementation status of each school district's  
137 instructional personnel and school administrator evaluation  
138 systems. The report shall include performance evaluation results  
139 for the prior school year for instructional personnel and school  
140 administrators using the four levels of performance specified in  
141 paragraph (2) (e). The performance evaluation results for  
142 instructional personnel shall be disaggregated by classroom  
143 teachers, as defined in s. 1012.01(2) (a), excluding substitute  
144 teachers, and all other instructional personnel, as defined in  
145 s. 1012.01(2) (b)-(d). The commissioner shall include in the  
146 report each district's performance-level standards established  
147 under subsection (7), a comparative analysis of the district's  
148 student academic performance results and evaluation results,  
149 data reported under s. 1012.341, ~~continue to report, by December~~  
150 ~~1 each year thereafter, each school district's performance~~  
151 ~~evaluation results~~ and the status of any evaluation system  
152 revisions requested by a school district pursuant to subsection  
153 (6).

154 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

155 (a) ~~By June 1, 2011~~, The Commissioner of Education shall  
156 approve a formula to measure individual student learning growth



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157 on the statewide, standardized assessments in English Language  
158 Arts and mathematics ~~on the Florida Comprehensive Assessment~~  
159 Test (FCAT) administered under s. 1008.22 ~~1008.22(3)(c)1~~. The  
160 formula must take into consideration each student's prior  
161 academic performance. The formula must not set different  
162 expectations for student learning growth based upon a student's  
163 gender, race, ethnicity, or socioeconomic status. In the  
164 development of the formula, the commissioner shall consider  
165 other factors such as a student's attendance record, disability  
166 status, or status as an English language learner. The  
167 commissioner shall select additional formulas as appropriate for  
168 the remainder of the statewide assessments included under s.  
169 1008.22 and continue to select formulas as new assessments are  
170 implemented in the state system. After the commissioner approves  
171 the formula to measure individual student learning growth ~~on the~~  
172 ~~FCAT and as additional formulas are selected by the commissioner~~  
173 ~~for new assessments implemented in the state system,~~ the State  
174 Board of Education shall adopt these formulas in ~~by~~ rule.

175 (b) ~~Beginning in the 2011-2012 school year,~~ Each school  
176 district shall measure student learning growth using the  
177 formulas ~~formula~~ approved by the commissioner under paragraph  
178 (a) for courses associated with the statewide, standardized  
179 assessments administered FCAT. ~~Each school district shall~~  
180 ~~implement the additional student learning growth measures~~  
181 ~~selected by the commissioner under paragraph (a) for the~~  
182 ~~remainder of the statewide assessments included~~ under s. 1008.22  
183 no later than the school year immediately following the year the  
184 formula is approved by the commissioner as they become  
185 available. ~~Beginning in the 2014-2015 school year,~~ For grades



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186 and subjects not assessed by statewide, standardized assessments  
187 but otherwise assessed as required under s. 1008.22(6)  
188 ~~1008.22(8)~~, each school district shall measure performance of  
189 students ~~student learning growth~~ using a methodology determined  
190 by the district ~~an equally appropriate formula~~. The department  
191 shall provide models for measuring performance of students  
192 ~~student learning growth~~ which school districts may adopt.

193 (c) For a course that is not measured by a statewide,  
194 standardized assessment, a school district may request, through  
195 the evaluation system approval process, to use a student's  
196 ~~student~~ achievement level ~~measure~~ rather than a student learning  
197 growth ~~measure~~ if achievement is demonstrated to be a more  
198 appropriate measure of classroom teacher performance. A school  
199 district may also request to use a combination of student  
200 learning growth and achievement, if appropriate.

201 (d) ~~For~~ If the student learning growth in a course that is  
202 not measured by a statewide, standardized assessment ~~but is~~  
203 ~~measured by a school district assessment~~, a school district may  
204 request, through the evaluation system approval process, that  
205 the performance evaluation for the classroom teacher assigned to  
206 that course include the learning growth of his or her students  
207 on one or more statewide, standardized assessments ~~FCAT Reading~~  
208 ~~or FCAT Mathematics~~. The request must clearly explain the  
209 rationale supporting the request. ~~However, the classroom~~  
210 ~~teacher's performance evaluation must give greater weight to~~  
211 ~~student learning growth on the district assessment.~~

212 (e) For purposes of this section and only for the 2014-2015  
213 school year, a school district may use measurable learning  
214 targets on local assessments administered under s. 1008.22(6) to





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215 evaluate the performance of students portion of a classroom  
216 teacher's evaluation for courses that are not assessed by  
217 statewide, standardized assessments. ~~classroom teachers of~~  
218 ~~courses for which the district has not implemented appropriate~~  
219 ~~assessments under s. 1008.22(8) or for which the school district~~  
220 ~~has not adopted an equally appropriate measure of student~~  
221 ~~learning growth under paragraphs (b)-(d), student learning~~  
222 ~~growth must be measured by the growth in learning of the~~  
223 ~~classroom teacher's students on statewide assessments, or, for~~  
224 ~~courses in which enrolled students do not take the statewide~~  
225 ~~assessments, measurable Learning targets must be established~~  
226 ~~based upon the goals of the school improvement plan and approved~~  
227 ~~by the school principal. A district school superintendent may~~  
228 ~~assign to instructional personnel in an instructional team the~~  
229 ~~student learning growth of the instructional team's students on~~  
230 ~~statewide assessments. This paragraph expires July 1, 2015.~~

231 (8) RULEMAKING.—The State Board of Education shall adopt  
232 rules pursuant to ss. 120.536(1) and 120.54 which establish  
233 uniform procedures for the submission, review, and approval of  
234 district evaluation systems and reporting requirements for the  
235 annual evaluation of instructional personnel and school  
236 administrators; specific, discrete standards for each  
237 performance level required under subsection (2) to ensure clear  
238 and sufficient differentiation in the performance levels and to  
239 provide consistency in meaning across school districts; the  
240 measurement of student learning growth and associated  
241 implementation procedures required under subsection (7); ~~a~~  
242 ~~process to permit instructional personnel to review the class~~  
243 ~~roster for accuracy and to correct any mistakes relating to the~~



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244 ~~identity of students for whom the individual is responsible;~~ and  
245 a process for monitoring school district implementation of  
246 evaluation systems in accordance with this section.  
247 Specifically, the rules shall establish a student performance  
248 levels learning growth standard that if not met will result in  
249 the employee receiving an unsatisfactory performance evaluation  
250 rating. In like manner, the rules shall establish a student  
251 performance level learning growth standard that must be met in  
252 order for an employee to receive a highly effective rating and a  
253 student learning growth standard that must be met in order for  
254 an employee to receive an effective rating.

255 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.-  
256 Standards for each performance level required under subsection  
257 (2) shall be established by the State Board of Education  
258 beginning with the 2015-2016 school year.

259 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON  
260 EVALUATION PROGRESS.-School districts are eligible for bonus  
261 rewards as provided for in the 2014 General Appropriations Act  
262 for making outstanding progress toward educator effectiveness,  
263 including implementation of instructional personnel salaries  
264 based on performance results under s. 1012.34 and the use of  
265 local assessment results in personnel evaluations when  
266 statewide, standardized assessments are not administered.

267 Section 14. Section 1012.341, Florida Statutes, is amended  
268 to read:

269 1012.341 Exemption from performance evaluation system and  
270 compensation and salary schedule requirements.-

271 (1) Hillsborough County ~~Notwithstanding any other provision~~  
272 ~~of this act,~~ a School District ~~that~~ received an exemption under



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273 Florida's Race to the Top Memorandum of Understanding for Phase  
274 2, as provided in s. (D)(2)(ii) of the memorandum. Accordingly,  
275 notwithstanding any other provision of law, Hillsborough County  
276 School District, is allowed to base 40 percent, instead of 50  
277 percent, of instructional personnel and school administrator  
278 performance evaluations upon student performance learning growth  
279 under s. 1012.34, ~~as amended by this act~~. The school district is  
280 also exempt from the amendments to s. 1012.22(1)(c) made by  
281 chapter 2011-1, Laws of Florida ~~this act~~. The exemptions  
282 described in this subsection are effective beginning with ~~for~~  
283 the 2011-2012 school year and until the expiration of this  
284 section ~~are effective for each school year thereafter if the~~  
285 ~~school district receives annual approval by the State Board of~~  
286 ~~Education.~~

287 (2) By October 1, 2014, and by October 1 annually  
288 thereafter, the superintendent of Hillsborough County School  
289 District shall attest, in writing, to the Commissioner of  
290 Education that ~~The State Board of Education shall base its~~  
291 ~~approval upon demonstration by the school district of the~~  
292 ~~following:~~

293 (a) The instructional personnel and school administrator  
294 evaluation systems base at least 40 percent of an employee's  
295 performance evaluation upon student performance and that student  
296 performance is the single greatest component of an employee's  
297 evaluation.

298 (b) The instructional personnel and school administrator  
299 evaluation systems adopt the Commissioner of Education's student  
300 learning growth formula for statewide assessments as provided  
301 under s. 1012.34(7).



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302 (c) The school district's instructional personnel and  
303 school administrator compensation system awards salary increases  
304 based upon sustained student performance.

305 (d) The school district's contract system awards  
306 instructional personnel and school administrators based upon  
307 student performance and removes ineffective employees.

308 ~~(e) Beginning with the 2014-2015 school year and each~~  
309 ~~school year thereafter, student learning growth based upon~~  
310 ~~performance on statewide assessments under s. 1008.22 must have~~  
311 ~~significantly improved compared to student learning growth in~~  
312 ~~the district in 2011-2012 and significantly improved compared to~~  
313 ~~other school districts.~~

314 (3) Failure to comply with subsection (2) is grounds for  
315 the State Board of Education, at a public hearing, to revoke the  
316 exemption ~~The State Board of Education shall annually renew a~~  
317 ~~school district's exemptions if the school district demonstrates~~  
318 ~~that it meets the requirements of subsection (2). If the~~  
319 ~~exemptions are not renewed, the school district must comply with~~  
320 ~~the requirements and laws described in subsection (1) by the~~  
321 ~~beginning of the next school year immediately following the loss~~  
322 ~~of the exemptions.~~

323 (4) ~~The State Board of Education shall adopt rules pursuant~~  
324 ~~to ss. 120.536(1) and 120.54 to establish the procedures for~~  
325 ~~applying for the exemptions and the criteria for renewing the~~  
326 ~~exemptions.~~

327  
328 This section is ~~shall be~~ repealed August 1, 2017, unless  
329 reviewed and reenacted by the Legislature.

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331 ===== T I T L E A M E N D M E N T =====

332 And the title is amended as follows:

333 Delete line 31

334 and insert:

335 State Board of Education to adopt rules; amending s.  
336 1008.345, F.S.; revising the contents of the  
337 Commissioner of Education's report on school  
338 improvement and education accountability to include  
339 student learning growth information and intervention  
340 and support strategies; amending s. 1011.64, F.S.;  
341 correcting a cross-reference; amending s. 1008.22,  
342 F.S.; authorizing use of teacher-selected or principal  
343 selected assessments as a form of local assessment;  
344 requiring a district school board to adopt policies  
345 relating to selection, development, administration,  
346 and scoring of local assessments; amending s. 1012.34,  
347 F.S.; providing information to be included in annual  
348 reports on the approval and implementation status of  
349 school district personnel evaluation systems; revising  
350 provisions relating to the measurement of student  
351 learning growth for purposes of personnel evaluation;  
352 conforming State Board of Education rulemaking  
353 relating to performance evaluations; providing for  
354 transition to new statewide, standardized assessments;  
355 authorizing bonus rewards to school districts for  
356 progress toward educator effectiveness; amending s.  
357 1012.341, F.S.; removing rulemaking authority and  
358 establishing a compliance verification process for the  
359 exemption from performance evaluation system,



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compensation, and salary schedule requirements;  
providing an