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1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1008.34, F.S.; providing definitions for the
4 statewide, standardized assessment program and school
5 grading system; deleting annual reports; revising
6 authority over allocation of a school's budget based
7 on school grades; revising the basis for the
8 calculation of school grades; revising the contents of
9 the school report card; revising the basis for the
10 calculation of district grades; requiring the
11 Department of Education to develop a district report
12 card; providing for transition to the revised school
13 grading system; amending s. 1001.42, F.S.; revising
14 criteria that necessitate a school's improvement plan
15 to include certain strategies; amending s. 1002.33,
16 F.S.; revising cross-references; amending s. 1003.621,
17 F.S.; revising cross-references; amending s. 1008.31,
18 F.S.; revising legislative intent for the K-20
19 education performance accountability system; amending
20 s. 1008.33, F.S.; conforming provisions relating to
21 school improvement and education accountability;
22 amending s. 1008.341, F.S.; revising provisions
23 relating to the school improvement rating for
24 alternative schools; amending s. 1008.3415, F.S.;
25 correcting cross-references; amending s. 1008.22,
26 F.S.; providing that a child with a medical complexity
27 may be exempt from participating in statewide,
28 standardized assessments under specified
29 circumstances; defining the term "child with a medical

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30 complexity"; authorizing a parent to choose assessment
31 exemption options; specifying the assessment exemption
32 options; requiring the Commissioner of Education to
33 report to the Legislature regarding the implementation
34 of the exemption; amending s. 1008.345, F.S.; revising
35 the contents of the Commissioner of Education's report
36 on school improvement and education accountability to
37 include student learning growth information and
38 intervention and support strategies; amending s.
39 1011.64, F.S.; correcting a cross-reference; amending
40 s. 1008.22, F.S.; authorizing use of teacher-selected
41 or principal selected assessments as a form of local
42 assessment; requiring a district school board to adopt
43 policies relating to selection, development,
44 administration, and scoring of local assessments;
45 amending s. 1012.34, F.S.; providing information to be
46 included in annual reports on the approval and
47 implementation status of school district personnel
48 evaluation systems; revising provisions relating to
49 the measurement of student learning growth for
50 purposes of personnel evaluation; conforming State
51 Board of Education rulemaking relating to performance
52 evaluations; providing for transition to new
53 statewide, standardized assessments; authorizing bonus
54 rewards to school districts for progress toward
55 educator effectiveness; amending s. 1012.341, F.S.;
56 removing rulemaking authority and establishing a
57 compliance verification process for the exemption from
58 performance evaluation system, compensation, and

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59 salary schedule requirements; providing an effective
60 date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Section 1008.34, Florida Statutes, is amended to
65 read:

66 1008.34 School grading system; school report cards;
67 district grade.—

68 (1) DEFINITIONS.—For purposes of the statewide,
69 standardized assessment program and school grading system, the
70 following terms are defined:

71 (a) "Achievement level," "student achievement," or
72 "achievement" describes the level of content mastery a student
73 has acquired in a particular subject as measured by a statewide,
74 standardized assessment administered pursuant to s.
75 1008.22 (3) (a) and (b). There are five achievement levels. Level
76 1 is the lowest achievement level, level 5 is the highest
77 achievement level, and level 3 indicates satisfactory
78 performance. A student passes an assessment if the student
79 achieves a level 3, level 4, or level 5. For purposes of the
80 Florida Alternate Assessment administered pursuant to s.
81 1008.22 (3) (c), the state board shall provide, in rule, the
82 number of achievement levels and identify the achievement levels
83 that are considered passing.

84 (b) "Learning Gains," "annual learning gains," or "student
85 learning gains" means the degree of student learning growth
86 occurring from one school year to the next as required by state
87 board rule for purposes of calculating school grades under this

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88 section.

89 (c) "Student performance," "student academic performance,"
90 or "academic performance" includes, but is not limited to,
91 student learning growth, achievement levels, and Learning Gains
92 on statewide, standardized assessments administered pursuant to
93 s. 1008.22.

94 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~
95 ~~prepare annual reports of the results of the statewide~~
96 ~~assessment program which describe student achievement in the~~
97 ~~state, each district, and each school. The commissioner shall~~
98 ~~prescribe the design and content of these reports, which must~~
99 ~~include descriptions of the performance of all schools~~
100 ~~participating in the assessment program and all of their major~~
101 ~~student populations as determined by the commissioner. The~~
102 ~~report must also include the percent of students performing at~~
103 ~~or above grade level and making learning gains in reading and~~
104 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~
105 ~~records apply to this section.~~

106 ~~(2) SCHOOL GRADES. The annual report shall identify Schools~~
107 ~~shall be graded using as having one of the following grades,~~
108 ~~defined according to rules of the State Board of Education:~~

- 109 (a) "A," schools making excellent progress.
110 (b) "B," schools making above average progress.
111 (c) "C," schools making satisfactory progress.
112 (d) "D," schools making less than satisfactory progress.
113 (e) "F," schools failing to make adequate progress.

114
115 Each school that earns a grade of "A" or improves at least two
116 letter grades may ~~shall~~ have greater authority over the

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117 allocation of the school's total budget generated from the FEFP,
118 state categoricals, lottery funds, grants, and local funds, ~~as~~
119 ~~specified in state board rule. The rule must provide that the~~
120 ~~increased budget authority shall remain in effect until the~~
121 ~~school's grade declines.~~

122 (3) DESIGNATION OF SCHOOL GRADES.—

123 (a) Each school must assess at least 95 percent of its
124 eligible students, except as provided under s. 1008.341 for
125 alternative schools. ~~Beginning with the 2013-2014 school year,~~
126 ~~Each school that has students who are tested and included in the~~
127 ~~school grading system shall receive a school grade based on the~~
128 school's performance on the components listed in subparagraphs
129 (b)1. and 2. If a school does not have at least 10 students with
130 complete data for one or more of the components listed in
131 subparagraphs (b)1. and 2., those components may not be used in
132 calculating the school's grade. ~~if the number of its students~~
133 ~~tested on statewide assessments pursuant to s. 1008.22 meets or~~
134 ~~exceeds the minimum sample size of 10, except as follows:~~

135 1. An alternative school may choose to receive a school
136 grade under this section or a school improvement rating under s.
137 1008.341. For charter schools that meet the definition of an
138 alternative school pursuant to State Board of Education rule,
139 the decision to receive a school grade is the decision of the
140 charter school governing board.

141 2. A school that serves any combination of students in
142 kindergarten through grade 3 that ~~which~~ does not receive a
143 school grade because its students are not tested and included in
144 the school grading system shall receive the school grade
145 designation of a K-3 feeder pattern school identified by the

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146 Department of Education and verified by the school district. A
147 school feeder pattern exists if at least 60 percent of the
148 students in the school serving a combination of students in
149 kindergarten through grade 3 are scheduled to be assigned to the
150 graded school.

151 3. If a collocated school does not earn a school grade or
152 school improvement rating for the performance of its students,
153 the student performance data of all schools operating at the
154 same facility must be aggregated to develop a school grade that
155 will be assigned to all schools at that location. A collocated
156 school is a school that has its own unique master school
157 identification number, provides for the education of each of its
158 enrolled students, and operates at the same facility as another
159 school that has its own unique master school identification
160 number and provides for the education of each of its enrolled
161 students.

162 (b)1. Beginning with the 2014-2015 school year, a school's
163 grade shall be based on the following components, each worth 100
164 points a combination of:

165 a. The percentage of eligible students passing Student
166 achievement scores on statewide, standardized assessments in
167 English Language Arts under s. 1008.22(3) ~~1008.22~~ and
168 achievement scores for students seeking a special diploma.

169 b. The percentage of eligible students passing statewide,
170 standardized assessments in mathematics under s. 1008.22(3).

171 c. The percentage of eligible students passing statewide,
172 standardized assessments in science under s. 1008.22(3).

173 d. The percentage of eligible students passing the
174 statewide, standardized assessments in social studies under s.

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175 1008.22(3).

176 e.b. The percentage of eligible students who make Student
177 Learning Gains in FCAT Reading or, upon transition to common
178 core assessments, the common core English Language Arts and
179 Mathematics assessments as measured by statewide, standardized
180 assessments administered under pursuant to s. 1008.22(3)
181 1008.22, including learning gains for students seeking a special
182 diploma, as measured by an alternate assessment.

183 f. The percentage of eligible students who make Learning
184 Gains in mathematics as measured by statewide, standardized
185 assessments administered under s. 1008.22(3).

186 g.e. The percentage of eligible students in Improvement of
187 the lowest 25 percent in English Language Arts, as identified by
188 prior year performance on statewide, standardized assessments,
189 who make Learning Gains as measured by statewide, standardized
190 English Language Arts assessments administered under s.
191 1008.22(3) 25th percentile of students in the school in reading
192 or, upon transition to common core assessments, English Language
193 Arts and Mathematics assessments administered pursuant to s.
194 1008.22, unless these students are exhibiting satisfactory
195 performance.

196 h. The percentage of eligible students in the lowest 25
197 percent in mathematics, as identified by prior year performance
198 on statewide, standardized assessments, who make Learning Gains
199 as measured by statewide, standardized mathematics assessments
200 administered under s. 1008.22(3).

201 i. For schools comprised of middle grades 6 through 8 or
202 grades 7 and 8, the percentage of eligible students passing high
203 school level statewide, standardized end-of-course assessments

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204 or attaining national industry certifications identified in the
205 Industry Certification Funding List pursuant to rules adopted by
206 the State Board of Education.

207
208 In calculating Learning Gains for the components listed in sub-
209 subparagraphs e.-h., the State Board of Education shall require
210 that learning growth toward achievement levels 3, 4, and 5 is
211 demonstrated by students who scored below each of those levels
212 in the prior year. In calculating the components in sub-
213 subparagraphs a.-d., the state board shall include the
214 performance of English language learners only if they have been
215 enrolled in a school in the United States for more than 2 years.

216 ~~2. Beginning with the 2011-2012 school year, for schools~~
217 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~
218 ~~school's grade shall include the performance and participation~~
219 ~~of its students enrolled in high school level courses with~~
220 ~~statewide, standardized assessments administered under s.~~
221 ~~1008.22. Performance and participation must be weighted equally.~~
222 ~~As valid data becomes available, the school grades shall include~~
223 ~~the students' attainment of national industry certification~~
224 ~~identified in the Industry Certification Funding List pursuant~~
225 ~~to rules adopted by the state board.~~

226 ~~2.3. Beginning with the 2009-2010 school year~~ For a school
227 ~~schools~~ comprised of high school grades 9, 10, 11, and 12, or
228 grades 10, 11, and 12, the school's grade at least 50 percent of
229 the school grade shall also be based on a combination of the
230 factors listed in sub-subparagraphs 1.a. c. and the remaining
231 percentage on the following components, each worth 100 points
232 factors:

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233 a. The 4-year high school graduation rate of the school as
234 defined by state board rule.~~†~~

235 b. The percentage of students who were eligible to earn
236 college and career credit through ~~As valid data becomes~~
237 ~~available, the performance and participation of the school's~~
238 ~~students in~~ College Board Advanced Placement examinations
239 ~~courses,~~ International Baccalaureate examinations ~~courses,~~ dual
240 enrollment courses, or ~~and~~ Advanced International Certificate of
241 Education examinations ~~courses;~~ or who, at any time during high
242 school, earned and the students' achievement of national
243 industry certification identified in the Industry Certification
244 Funding List, pursuant to rules adopted by the state board.~~†~~

245 (c)1. The calculation of a school grade shall be based on
246 the percentage of points earned from the components listed in
247 subparagraph (b)1. and, if applicable, subparagraph (b)2. The
248 State Board of Education shall adopt in rule a school grading
249 scale that sets the percentage of points needed to earn each of
250 the school grades listed in subsection (2). There shall be at
251 least five percentage points separating the percentage
252 thresholds needed to earn each of the school grades. The state
253 board shall periodically review the school grading scale to
254 determine if the scale should be adjusted upward to meet raised
255 expectations and encourage increased student performance. If the
256 state board adjusts the grading scale upward, the state board
257 must inform the public and the school districts of the reasons
258 for and degree of the adjustment and its anticipated impact on
259 school grades.

260 2. The calculation of school grades may not include any
261 provision that would raise or lower the school's grade beyond

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262 the percentage of points earned. Extra weight may not be added
263 in the calculation of any components.

264 ~~e. Postsecondary readiness of all of the school's on-time~~
265 ~~graduates as measured by the SAT, the ACT, the Postsecondary~~
266 ~~Education Readiness Test, or the common placement test;~~

267 ~~d. The high school graduation rate of at-risk students, who~~
268 ~~score Level 1 or Level 2 on grade 8 FCAT Reading or the English~~
269 ~~Language Arts and mathematics assessments administered under s.~~
270 ~~1008.22;~~

271 ~~e. As valid data becomes available, the performance of the~~
272 ~~school's students on statewide, standardized end-of-course~~
273 ~~assessments administered under s. 1008.22(3)(b)4. and 5.; and~~

274 ~~f. The growth or decline in the components listed in sub-~~
275 ~~subparagraphs a. e. from year to year.~~

276 ~~(c) Student assessment data used in determining school~~
277 ~~grades shall include:~~

278 ~~1. The aggregate scores of all eligible students enrolled~~
279 ~~in the school who have been assessed on statewide, standardized~~
280 ~~assessments in courses required for high school graduation,~~
281 ~~including, beginning with the 2011-2012 school year, the end-of-~~
282 ~~course assessment in Algebra I; and beginning with the 2012-2013~~
283 ~~school year, the end-of-course assessments in Geometry and~~
284 ~~Biology I; and beginning with the 2014-2015 school year, on the~~
285 ~~statewide, standardized end-of-course assessment in civics~~
286 ~~education at the middle grades level.~~

287 ~~2. The aggregate scores of all eligible students enrolled~~
288 ~~in the school who have been assessed on statewide, standardized~~
289 ~~assessments under s. 1008.22 and who have scored at or in the~~
290 ~~lowest 25th percentile of students in the school in reading and~~

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291 ~~mathematics, unless these students are exhibiting satisfactory~~
292 ~~performance.~~

293 (d) The performance of students attending alternative
294 schools and students designated as hospital or homebound shall
295 be factored into a school grade as follows:

296 1.3. The student performance data for ~~achievement scores~~
297 ~~and learning gains of~~ eligible students attending alternative
298 schools that provide dropout prevention and academic
299 intervention services pursuant to s. 1003.53 shall be included
300 in the calculation of the home school's grade. The term
301 "eligible students" in this subparagraph does not include
302 students attending an alternative school who are subject to
303 district school board policies for expulsion for repeated or
304 serious offenses, who are in dropout retrieval programs serving
305 students who have officially been designated as dropouts, or who
306 are in programs operated or contracted by the Department of
307 Juvenile Justice. ~~The student performance data for eligible~~
308 ~~students identified in this subparagraph shall be included in~~
309 ~~the calculation of the home school's grade.~~ As used in this
310 subparagraph and s. 1008.341, the term "home school" means the
311 school to which the student would be assigned if the student
312 were not assigned to an alternative school. If an alternative
313 school chooses to be graded under this section, student
314 performance data for eligible students identified in this
315 subparagraph shall not be included in the home school's grade
316 but shall be included only in the calculation of the alternative
317 school's grade. A school district that fails to assign
318 statewide, standardized end-of-course assessment scores of each
319 of its students to his or her home school or to the alternative

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320 school that receives a grade shall forfeit Florida School
321 Recognition Program funds for one ± fiscal year. School
322 districts must require collaboration between the home school and
323 the alternative school in order to promote student success. This
324 collaboration must include an annual discussion between the
325 principal of the alternative school and the principal of each
326 student's home school concerning the most appropriate school
327 assignment of the student.

328 2.4. Student performance data for ~~The achievement scores~~
329 ~~and learning gains of~~ students designated as hospital or
330 homebound ~~hospital or homebound~~. ~~Student assessment data for~~
331 ~~students designated as hospital or homebound~~ shall be assigned
332 to their home school for the purposes of school grades. As used
333 in this subparagraph, the term "home school" means the school to
334 which a student would be assigned if the student were not
335 assigned to a hospital or homebound ~~hospital or homebound~~
336 program.

337 ~~5. For schools comprised of high school grades 9, 10, 11,~~
338 ~~and 12, or grades 10, 11, and 12, the data listed in~~
339 ~~subparagraphs 1.-3. and the following data as the Department of~~
340 ~~Education determines such data are valid and available:~~

341 ~~a. The high school graduation rate of the school as~~
342 ~~calculated by the department;~~

343 ~~b. The participation rate of all eligible students enrolled~~
344 ~~in the school and enrolled in College Board Advanced Placement~~
345 ~~courses; International Baccalaureate courses; dual enrollment~~
346 ~~courses; Advanced International Certificate of Education~~
347 ~~courses; and courses or sequences of courses leading to national~~
348 ~~industry certification identified in the Industry Certification~~

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349 ~~Funding List, pursuant to rules adopted by the State Board of~~
350 ~~Education;~~

351 ~~e. The aggregate scores of all eligible students enrolled~~
352 ~~in the school in College Board Advanced Placement courses,~~
353 ~~International Baccalaureate courses, and Advanced International~~
354 ~~Certificate of Education courses;~~

355 ~~d. Earning of college credit by all eligible students~~
356 ~~enrolled in the school in dual enrollment programs under s.~~
357 ~~1007.271;~~

358 ~~e. Earning of a national industry certification identified~~
359 ~~in the Industry Certification Funding List, pursuant to rules~~
360 ~~adopted by the State Board of Education;~~

361 ~~f. The aggregate scores of all eligible students enrolled~~
362 ~~in the school in reading, mathematics, and other subjects as~~
363 ~~measured by the SAT, the ACT, the Postsecondary Education~~
364 ~~Readiness Test, and the common placement test for postsecondary~~
365 ~~readiness;~~

366 ~~g. The high school graduation rate of all eligible at-risk~~
367 ~~students enrolled in the school who scored Level 2 or lower on~~
368 ~~grade 8 FCAT Reading and FCAT Mathematics;~~

369 ~~h. The performance of the school's students on statewide,~~
370 ~~standardized end-of-course assessments administered under s.~~
371 ~~1008.22(3)(b)4. and 5.; and~~

372 ~~i. The growth or decline in the data components listed in~~
373 ~~sub-subparagraphs a.-h. from year to year.~~

374

375 ~~The State Board of Education shall adopt appropriate criteria~~
376 ~~for each school grade. The criteria must also give added weight~~
377 ~~to student achievement in reading. Schools earning a grade of~~

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378 ~~"C," making satisfactory progress, shall be required to~~
379 ~~demonstrate that adequate progress has been made by students in~~
380 ~~the school who are in the lowest 25th percentile in reading and~~
381 ~~mathematics on statewide, standardized assessments under s.~~
382 ~~1008.22, unless these students are exhibiting satisfactory~~
383 ~~performance. For schools comprised of high school grades 9, 10,~~
384 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~
385 ~~grades must also give added weight to the graduation rate of all~~
386 ~~eligible at-risk students. In order for a high school to earn a~~
387 ~~grade of "A," the school must demonstrate that its at-risk~~
388 ~~students, as defined in this paragraph, are making adequate~~
389 ~~progress.~~

390 ~~(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall~~
391 ~~identify each school's performance as having improved, remained~~
392 ~~the same, or declined. This school improvement rating shall be~~
393 ~~based on a comparison of the current year's and previous year's~~
394 ~~student and school performance data. A school that improves its~~
395 ~~rating by at least one level is eligible for school recognition~~
396 ~~awards pursuant to s. 1008.36.~~

397 ~~(4)(5) SCHOOL REPORT CARD.—~~The Department of Education
398 shall annually develop, in collaboration with the school
399 districts, a school report card to be provided by the school
400 district to parents within the district. The report card shall
401 include the school's grade; student performance in English
402 Language Arts, mathematics, science, and social studies;~~;~~
403 information regarding school improvement;~~;~~ an explanation of
404 school performance as evaluated by the federal Elementary and
405 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.;~~;~~ and
406 indicators of return on investment. Each school's report card

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407 shall be published annually by the department on its website
408 based upon the most recent data available.

409 ~~(6) PERFORMANCE-BASED FUNDING. The Legislature may factor~~
410 ~~in the performance of schools in calculating any performance-~~
411 ~~based funding policy that is provided for annually in the~~
412 ~~General Appropriations Act.~~

413 (5) (7) DISTRICT GRADE. The annual report required by
414 subsection (1) shall include the school district's grade.
415 Beginning with the 2014-2015 school year, a school district's
416 grade shall include a district-level calculation of the
417 components under paragraph (3) (b) ~~be calculated using student~~
418 performance and learning gains data on statewide assessments
419 used for determining school grades under subparagraph (3) (b) 1.
420 for each eligible student enrolled for a full school year in the
421 district. This calculation methodology captures each eligible
422 student in the district who may have transferred among schools
423 within the district or is enrolled in a school that does not
424 receive a grade. The department shall develop a district report
425 card that includes the district grade; the information required
426 under s. 1008.345(5); measures of the district's progress in
427 closing the achievement gap between higher-performing student
428 subgroups and lower-performing student subgroups; measures of
429 the district's progress in demonstrating Learning Gains of its
430 highest-performing students; measures of the district's success
431 in improving student attendance; the district's grade-level
432 promotion of students scoring achievement levels 1 and 2 on
433 statewide, standardized English Language Arts and mathematics
434 assessments; and measures of the district's performance in
435 preparing students for the transition from elementary to middle

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436 school, middle to high school, and high school to postsecondary
437 institutions and careers.

438 (6)~~(8)~~ RULES.—The State Board of Education shall adopt
439 rules under ss. 120.536(1) and 120.54 to administer this
440 section.

441 (7) TRANSITION.—School grades and school improvement
442 ratings pursuant to s. 1008.341 for the 2013-2014 school year
443 shall be calculated based on statutes and rules in effect on
444 June 30, 2014. To assist in the transition to 2014-2015 school
445 grades, calculated based on new statewide, standardized
446 assessments administered pursuant to s. 1008.22, the 2014-2015
447 school grades shall serve as an informational baseline for
448 schools to work toward improved performance in future years.
449 Accordingly, notwithstanding any other provision of law:

450 (a) A school may not be required to select and implement a
451 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
452 year based on the school's 2014-2015 grade or school improvement
453 rating under s. 1008.341, as applicable.

454 (b)1. A school or approved provider under s. 1002.45 that
455 receives the same or a lower school grade or school improvement
456 rating for the 2014-2015 school year compared to the 2013-2014
457 school year is not subject to sanctions or penalties that would
458 otherwise occur as a result of the 2014-2015 school grade or
459 rating. A charter school system or a school district designated
460 as high performing may not lose the designation based on the
461 2014-2015 school grades of any of the schools within the charter
462 school system or school district, as applicable.

463 2. The Florida School Recognition Program established under
464 s. 1008.36 shall continue to be implemented as otherwise

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465 provided in the General Appropriations Act.

466 (c) For purposes of determining grade 3 retention pursuant
467 to s. 1008.25(5) and high school graduation pursuant to s.
468 1003.4282, student performance on the 2014-2015 statewide,
469 standardized assessments shall be linked to 2013-2014 student
470 performance expectations.

471

472 This subsection is repealed July 1, 2017.

473 Section 2. Subsection (18) of section 1001.42, Florida
474 Statutes, is amended to read:

475 1001.42 Powers and duties of district school board.—The
476 district school board, acting as a board, shall exercise all
477 powers and perform all duties listed below:

478 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
479 Maintain a ~~state~~ system of school improvement and education
480 accountability as provided by statute and State Board of
481 Education rule. This system of school improvement and education
482 accountability shall be consistent with, and implemented
483 through, the district's continuing system of planning and
484 budgeting required by this section and ss. 1008.385, 1010.01,
485 and 1011.01. This system of school improvement and education
486 accountability shall comply with the provisions of ss. 1008.33,
487 1008.34, 1008.345, and 1008.385 and include the following:

488 (a) *School improvement plans.*—The district school board
489 shall annually approve and require implementation of a new,
490 amended, or continuation school improvement plan for each school
491 in the district. If a school has a significant gap in
492 achievement on statewide, standardized assessments administered
493 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student

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494 subgroups, as defined in the federal Elementary and Secondary
495 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
496 significantly increased ~~decreased~~ the percentage of students
497 passing scoring below satisfactory on statewide, standardized
498 assessments; has not significantly increased the percentage of
499 students demonstrating Learning Gains, as defined in s. 1008.34
500 and as calculated under s. 1008.34(3)(b), who passed statewide,
501 standardized assessments; or has significantly lower graduation
502 rates for a subgroup when compared to the state's graduation
503 rate, that school's improvement plan shall include strategies
504 for improving these results. The state board shall adopt rules
505 establishing thresholds and for determining compliance with this
506 paragraph.

507 (b) *Public disclosure.*—The district school board shall
508 provide information regarding the performance of students and
509 educational programs as required pursuant to ss. 1008.22 and
510 1008.385 and implement a system of school reports as required by
511 statute and State Board of Education rule which shall include
512 schools operating for the purpose of providing educational
513 services to youth in Department of Juvenile Justice programs,
514 and for those schools, report on the elements specified in s.
515 1003.52(19). Annual public disclosure reports shall be in an
516 easy-to-read report card format and shall include the school's
517 grade, high school graduation rate calculated without GED tests,
518 disaggregated by student ethnicity, and performance data as
519 specified in state board rule.

520 (c) *School improvement funds.*—The district school board
521 shall provide funds to schools for developing and implementing
522 school improvement plans. Such funds shall include those funds

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523 appropriated for the purpose of school improvement pursuant to
524 s. 24.121(5)(c).

525 Section 3. Paragraph (n) of subsection (9) and paragraph
526 (b) of subsection (21) of section 1002.33, Florida Statutes, are
527 amended to read:

528 1002.33 Charter schools.—

529 (9) CHARTER SCHOOL REQUIREMENTS.—

530 (n)1. The director and a representative of the governing
531 board of a charter school that has earned a grade of "D" or "F"
532 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the
533 sponsor to present information concerning each contract
534 component having noted deficiencies. The director and a
535 representative of the governing board shall submit to the
536 sponsor for approval a school improvement plan to raise student
537 performance achievement. Upon approval by the sponsor, the
538 charter school shall begin implementation of the school
539 improvement plan. The department shall offer technical
540 assistance and training to the charter school and its governing
541 board and establish guidelines for developing, submitting, and
542 approving such plans.

543 2.a. If a charter school earns three consecutive grades of
544 "D," two consecutive grades of "D" followed by a grade of "F,"
545 or two nonconsecutive grades of "F" within a 3-year period, the
546 charter school governing board shall choose one of the following
547 corrective actions:

548 (I) Contract for educational services to be provided
549 directly to students, instructional personnel, and school
550 administrators, as prescribed in state board rule;

551 (II) Contract with an outside entity that has a

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552 demonstrated record of effectiveness to operate the school;

553 (III) Reorganize the school under a new director or
554 principal who is authorized to hire new staff; or

555 (IV) Voluntarily close the charter school.

556 b. The charter school must implement the corrective action
557 in the school year following receipt of a third consecutive
558 grade of "D," a grade of "F" following two consecutive grades of
559 "D," or a second nonconsecutive grade of "F" within a 3-year
560 period.

561 c. The sponsor may annually waive a corrective action if it
562 determines that the charter school is likely to improve a letter
563 grade if additional time is provided to implement the
564 intervention and support strategies prescribed by the school
565 improvement plan. Notwithstanding this sub-subparagraph, a
566 charter school that earns a second consecutive grade of "F" is
567 subject to subparagraph 4.

568 d. A charter school is no longer required to implement a
569 corrective action if it improves by at least one letter grade.
570 However, the charter school must continue to implement
571 strategies identified in the school improvement plan. The
572 sponsor must annually review implementation of the school
573 improvement plan to monitor the school's continued improvement
574 pursuant to subparagraph 5.

575 e. A charter school implementing a corrective action that
576 does not improve by at least one letter grade after 2 full
577 school years of implementing the corrective action must select a
578 different corrective action. Implementation of the new
579 corrective action must begin in the school year following the
580 implementation period of the existing corrective action, unless

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581 the sponsor determines that the charter school is likely to
582 improve a letter grade if additional time is provided to
583 implement the existing corrective action. Notwithstanding this
584 sub-subparagraph, a charter school that earns a second
585 consecutive grade of "F" while implementing a corrective action
586 is subject to subparagraph 4.

587 3. A charter school with a grade of "D" or "F" that
588 improves by at least one letter grade must continue to implement
589 the strategies identified in the school improvement plan. The
590 sponsor must annually review implementation of the school
591 improvement plan to monitor the school's continued improvement
592 pursuant to subparagraph 5.

593 4. The sponsor shall terminate a charter if the charter
594 school earns two consecutive grades of "F" unless:

595 a. The charter school is established to turn around the
596 performance of a district public school pursuant to s.
597 1008.33(4)(b)3. Such charter schools shall be governed by s.
598 1008.33;

599 b. The charter school serves a student population the
600 majority of which resides in a school zone served by a district
601 public school that earned a grade of "F" in the year before the
602 charter school opened and the charter school earns at least a
603 grade of "D" in its third year of operation. The exception
604 provided under this sub-subparagraph does not apply to a charter
605 school in its fourth year of operation and thereafter; or

606 c. The state board grants the charter school a waiver of
607 termination. The charter school must request the waiver within
608 15 days after the department's official release of school
609 grades. The state board may waive termination if the charter

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610 school demonstrates that the Learning Gains of its students on
611 statewide assessments are comparable to or better than the
612 Learning Gains of similarly situated students enrolled in nearby
613 district public schools. The waiver is valid for 1 year and may
614 only be granted once. Charter schools that have been in
615 operation for more than 5 years are not eligible for a waiver
616 under this sub-subparagraph.

617 5. The director and a representative of the governing board
618 of a graded charter school that has implemented a school
619 improvement plan under this paragraph shall appear before the
620 sponsor at least once a year to present information regarding
621 the progress of intervention and support strategies implemented
622 by the school pursuant to the school improvement plan and
623 corrective actions, if applicable. The sponsor shall communicate
624 at the meeting, and in writing to the director, the services
625 provided to the school to help the school address its
626 deficiencies.

627 6. Notwithstanding any provision of this paragraph except
628 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
629 at any time pursuant to subsection (8).

630 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

631 (b)1. The Department of Education shall report to each
632 charter school receiving a school grade pursuant to s. 1008.34
633 or a school improvement rating pursuant to s. 1008.341 the
634 school's student assessment data pursuant to s. 1008.34(3)(c)
635 ~~which is reported to schools that receive a school grade or~~
636 ~~student assessment data pursuant to s. 1008.341(3) which is~~
637 ~~reported to alternative schools that receive a school~~
638 ~~improvement rating to each charter school that:~~

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639 ~~a. Does not receive a school grade pursuant to s. 1008.34~~
640 ~~or a school improvement rating pursuant to s. 1008.341; and~~

641 ~~b. Serves at least 10 students who are tested on the~~
642 ~~statewide assessment test pursuant to s. 1008.22.~~

643 2. The charter school shall report the information in
644 subparagraph 1. to each parent of a student at the charter
645 school, the parent of a child on a waiting list for the charter
646 school, the district in which the charter school is located, and
647 the governing board of the charter school. This paragraph does
648 not abrogate the provisions of s. 1002.22, relating to student
649 records, or the requirements of 20 U.S.C. s. 1232g, the Family
650 Educational Rights and Privacy Act.

651 3.a. Pursuant to this paragraph, the Department of
652 Education shall compare the charter school student performance
653 data for each charter school in subparagraph 1. with the student
654 performance data in traditional public schools in the district
655 in which the charter school is located and other charter schools
656 in the state. For alternative charter schools, the department
657 shall compare the student performance data described in this
658 paragraph with all alternative schools in the state. The
659 comparative data shall be provided by the following grade
660 groupings:

- 661 (I) Grades 3 through 5;
662 (II) Grades 6 through 8; and
663 (III) Grades 9 through 11.

664 b. Each charter school shall provide the information
665 specified in this paragraph on its Internet website and also
666 provide notice to the public at large in a manner provided by
667 the rules of the State Board of Education. The State Board of

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668 Education shall adopt rules to administer the notice
669 requirements of this subparagraph pursuant to ss. 120.536(1) and
670 120.54. The website shall include, through links or actual
671 content, other information related to school performance.

672 Section 4. Paragraphs (a) and (d) of subsection (1) of
673 section 1003.621, Florida Statutes, are amended to read:

674 1003.621 Academically high-performing school districts.—It
675 is the intent of the Legislature to recognize and reward school
676 districts that demonstrate the ability to consistently maintain
677 or improve their high-performing status. The purpose of this
678 section is to provide high-performing school districts with
679 flexibility in meeting the specific requirements in statute and
680 rules of the State Board of Education.

681 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

682 (a) A school district is an academically high-performing
683 school district if it meets the following criteria:

684 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
685 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive
686 years; and

687 b. Has no district-operated school that earns a grade of
688 "F" under s. 1008.34;

689 2. Complies with all class size requirements in s. 1, Art.
690 IX of the State Constitution and s. 1003.03; and

691 3. Has no material weaknesses or instances of material
692 noncompliance noted in the annual financial audit conducted
693 pursuant to s. 11.45 or s. 218.39.

694 (d) In order to maintain the designation as an academically
695 high-performing school district pursuant to this section, a
696 school district must meet the following requirements:

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697 1. Comply with the provisions of subparagraphs (a)2. and
698 3.; and

699 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2
700 years within a 3-year period.

701

702 However, a district in which a district-operated school earns a
703 grade of "F" under s. 1008.34 during the 3-year period may not
704 continue to be designated as an academically high-performing
705 school district during the remainder of that 3-year period. The
706 district must meet the criteria in paragraph (a) in order to be
707 redesignated as an academically high-performing school district.

708 Section 5. Paragraph (b) of subsection (1) of section
709 1008.31, Florida Statutes, is amended to read:

710 1008.31 Florida's K-20 education performance accountability
711 system; legislative intent; mission, goals, and systemwide
712 measures; data quality improvements.-

713 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
714 that:

715 (b) The K-20 education performance accountability system be
716 established as a single, unified accountability system with
717 multiple components, including, but not limited to, ~~measures of~~
718 ~~adequate yearly progress, individual~~ student performance
719 ~~learning gains~~ in public schools and, school and district
720 ~~grades, and return on investment.~~

721 Section 6. Subsection (2) of section 1008.33, Florida
722 Statutes, is amended to read:

723 1008.33 Authority to enforce public school improvement.-

724 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
725 1008.345, and 1008.385, the State Board of Education shall hold

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726 all school districts and public schools accountable for student
727 performance. The state board is responsible for a state system
728 of school improvement and education accountability that assesses
729 student performance by school, identifies schools that ~~in which~~
730 ~~students~~ are not meeting accountability ~~making adequate progress~~
731 ~~toward state~~ standards, and institutes appropriate measures for
732 enforcing improvement.

733 (b) The state system of school improvement and education
734 accountability must provide for uniform accountability
735 standards, provide assistance of escalating intensity to ~~low-~~
736 ~~performing~~ schools not meeting accountability standards, direct
737 support to schools in order to improve and sustain performance,
738 focus on the performance of student subgroups, and enhance
739 student performance.

740 (c) School districts must be held accountable for improving
741 the academic performance achievement of all students and for
742 identifying and improving ~~turning around low-performing~~ schools
743 that fail to meet accountability standards.

744 Section 7. Subsections (2), (3), and (4) of section
745 1008.341, Florida Statutes, are amended to read:

746 1008.341 School improvement rating for alternative
747 schools.—

748 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
749 school that provides dropout prevention and academic
750 intervention services pursuant to s. 1003.53. An alternative
751 school shall receive a school improvement rating pursuant to
752 this section unless the school earns a school grade pursuant to
753 s. 1008.34. ~~An Beginning with the 2013-2014 school year, each~~
754 alternative school that chooses to receive a school improvement

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755 rating shall receive a school improvement rating if the number
756 of its students for whom student performance data on statewide,
757 standardized assessments pursuant to s. 1008.22 which is
758 available for the current year and previous year meets or
759 exceeds the minimum sample size of 10. If an alternative school
760 does not have at least 10 students with complete data for a
761 component listed in subsection (3), that component may not be
762 used in calculating the school's improvement rating. The
763 calculation of the school improvement rating shall be based on
764 the percentage of points earned from the components listed in
765 subsection (3). An alternative school that tests at least 80
766 percent of its students may receive a school improvement rating.
767 If an alternative school tests less than 90 percent of its
768 students, the school may not earn a rating higher than
769 "maintaining." Beginning with the 2016-2017 school year, if an
770 alternative school does not meet the requirements for the
771 issuance of a school improvement rating in the current year, and
772 has failed to receive a school improvement rating for the prior
773 2 consecutive years, the school shall receive a rating for the
774 current year based upon a compilation of all student Learning
775 Gains, for all grade levels, for those 3 years. Likewise, if the
776 school fails to meet the requirements for a rating the following
777 year or any year thereafter, the school's rating shall be based
778 on a compilation of student Learning Gains achieved during the
779 current and prior 2 years. The school improvement rating shall
780 identify an alternative school as having one of the following
781 ratings defined according to rules of the State Board of
782 Education:

783 (a) "Commendable" ~~"Improving"~~ means a significant

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784 percentage of the students attending the school are making
785 Learning Gains ~~more academic progress than when the students~~
786 ~~were served in their home schools.~~

787 (b) "Maintaining" means a sufficient percentage of the
788 students attending the school are making Learning Gains ~~progress~~
789 ~~equivalent to the progress made when the students were served in~~
790 ~~their home schools.~~

791 (c) "Unsatisfactory" "Declining" means an insufficient
792 percentage of the students attending the school are making
793 Learning Gains ~~less academic progress than when the students~~
794 ~~were served in their home schools.~~

795
796 ~~The school improvement rating shall be based on a comparison of~~
797 ~~student performance data for the current year and previous year.~~
798 Schools that improve at least one level or maintain a
799 "commendable" ~~an "improving"~~ rating pursuant to this section are
800 eligible for school recognition awards pursuant to s. 1008.36.

801 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
802 Learning Gains ~~data used in determining an alternative school's~~
803 ~~school improvement rating shall include:~~

804 ~~(a) student performance results based on statewide,~~
805 ~~standardized assessments, including retakes, administered under~~
806 ~~s. 1008.22 for all eligible students who were assigned to and~~
807 ~~enrolled in the school during the October or February FTE count~~
808 ~~and who have assessment scores or comparable scores for the~~
809 ~~preceding school year shall be used in determining an~~
810 ~~alternative school's school improvement rating. An alternative~~
811 ~~school's rating shall be based on the following components:~~

812 (a) The percentage of eligible students who make Learning

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813 Gains in English Language Arts as measured by statewide,
814 standardized assessments under s. 1008.22(3).

815 (b) The percentage of eligible students who make Learning
816 Gains in mathematics as measured by statewide, standardized
817 assessments under s. 1008.22(3) ~~Student performance results~~
818 ~~based on statewide, standardized assessments, including retakes,~~
819 ~~administered under s. 1008.22 for all eligible students who were~~
820 ~~assigned to and enrolled in the school during the October or~~
821 ~~February FTE count and who have scored in the lowest 25th~~
822 ~~percentile of students in the state on FCAT Reading.~~

823
824 Student performance results of students who are subject to
825 district school board policies for expulsion for repeated or
826 serious offenses, who are in dropout retrieval programs serving
827 students who have officially been designated as dropouts, or who
828 are in programs operated or contracted by the Department of
829 Juvenile Justice may not be included in an alternative school's
830 school improvement rating.

831 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each
832 alternative school receiving a school improvement rating, the
833 Department of Education shall annually identify the percentage
834 of students making Learning Gains consistent with the provisions
835 in s. 1008.34(3) ~~as compared to the percentage of the same~~
836 ~~students making learning gains in their home schools in the year~~
837 ~~prior to being assigned to the alternative school.~~

838 Section 8. Subsection (2) of section 1008.3415, Florida
839 Statutes, is amended to read:

840 1008.3415 School grade or school improvement rating for
841 exceptional student education centers.—

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842 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(c)3.~~, the
843 achievement levels ~~scores~~ and Learning Gains of a student with a
844 disability who attends an exceptional student education center
845 and has not been enrolled in or attended a public school other
846 than an exceptional student education center for grades K-12
847 within the school district shall not be included in the
848 calculation of the home school's grade if the student is
849 identified as an emergent student on the alternate assessment
850 tool described in s. 1008.22(3)(c) ~~1008.22(3)(e)13.~~

851 Section 9. Present subsections (9) and (10) of section
852 1008.22, Florida Statutes, are renumbered as subsections (10)
853 and (11), respectively, and a new subsection (9) is added to
854 that section, to read:

855 1008.22 Student assessment program for public schools.—

856 (9) CHILD WITH MEDICAL COMPLEXITY.—In addition to the
857 exemption option provided for under s. 1008.212, effective July
858 1, 2014, a child with a medical complexity may be exempt from
859 participating in statewide, standardized assessments, including
860 the Florida Alternate Assessment (FAA), pursuant to the
861 provisions of this subsection.

862 (a) Definition of child with medical complexity. A child
863 with a medical complexity means a child who, based upon medical
864 documentation from a physician licensed under chapter 458 or 459
865 is medically fragile and needs intensive care due to a condition
866 such as congenital or acquired multisystem disease; has a severe
867 neurological or cognitive disorder with marked functional
868 impairment; or is technology dependent for activities of daily
869 living; and lacks the capacity to take or perform on an
870 assessment.

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871 (b) Exemption options. If the parent consents in writing,
872 and the IEP team determines that the child should not be
873 assessed based upon medical documentation that the child meets
874 the definition of a child with medical complexity, then the
875 parent may choose one of the following three assessment
876 exemption options.

877 1. One-year exemption approved by the district school
878 superintendent. If the superintendent is provided written
879 documentation of parental consent and appropriate medical
880 documentation to support the IEP team's determination that the
881 child is a child with medical complexity, then the
882 superintendent may approve a one-year exemption from all
883 statewide, standardized assessments, including the FAA. The
884 superintendent shall report annually to the district school
885 board and the Commissioner of Education the number of students
886 who are identified as a child with medical complexity who are
887 not participating in the assessment program.

888 2. One- to three-year exemption approved by the
889 Commissioner of Education. If the commissioner is provided
890 written documentation of parental consent; district school
891 superintendent approval; the IEP team's determination that the
892 child is a child with medical complexity based upon appropriate
893 medical documentation; and all medical documentation, then the
894 commissioner may exempt the child from all statewide,
895 standardized assessments, including the FAA, for up to three
896 years. The State Board of Education shall adopt rules to
897 administer this subparagraph which must expedite the process by
898 which exemptions are reviewed and approved and which demonstrate
899 the utmost compassion and consideration for meeting the parent's

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900 and child's needs.

901 3. Permanent exemption approved by the Commissioner of
902 Education. If the commissioner is provided written documentation
903 of parental consent; district school superintendent approval of
904 a permanent exemption; the IEP team's determination that the
905 child is a child with medical complexity based upon appropriate
906 medical documentation and that a permanent exemption is
907 appropriate; and all medical documentation, then the
908 commissioner may approve a permanent exemption from all
909 statewide, standardized assessments, including the FAA. The
910 State Board of Education shall adopt rules to administer this
911 subparagraph which must expedite the process by which exemptions
912 are reviewed and approved and which demonstrate the utmost
913 compassion and consideration for meeting the parent's and
914 child's needs.

915 (c) Reporting requirements. The Commissioner of Education
916 shall annually report to the Legislature data, by district,
917 related to the implementation of this subsection at the same
918 time as results are reported regarding student performance on
919 statewide, standardized assessments.

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

922 1008.345 Implementation of state system of school
923 improvement and education accountability.—

924 (5) The commissioner shall report to the Legislature and
925 recommend changes in state policy necessary to foster school
926 improvement and education accountability. The report shall
927 include:

928 (a) For each school district:

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929 1. The percentage of students, by school and grade level,
930 demonstrating learning growth in English Language Arts and
931 mathematics.

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

935 (b) Intervention and support strategies used by school
936 boards whose students in both the highest and lowest quartiles
937 exceed the statewide average learning growth for students in
938 those quartiles.

939 (c) Intervention and support strategies used by school
940 boards whose schools provide educational services to youth in
941 Department of Juvenile Justice programs that demonstrate
942 learning growth in English Language Arts and mathematics that
943 exceeds the statewide average learning growth for students in
944 those subjects. ~~Included in the report shall be a list of the~~
945 ~~schools, including schools operating for the purpose of~~
946 ~~providing educational services to youth in Department of~~
947 ~~Juvenile Justice programs, for which district school boards have~~
948 ~~developed intervention and support strategies and an analysis of~~
949 ~~the various strategies used by the school boards.~~

950
951 School reports shall be distributed pursuant to this subsection
952 and s. 1001.42(18)(b) and according to rules adopted by the
953 State Board of Education.

954 Section 11. Paragraph (a) of subsection (2) of section
955 1011.64, Florida Statutes, is amended to read:

956 1011.64 School district minimum classroom expenditure
957 requirements.-

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958 (2) For the purpose of implementing the provisions of this
959 section, the Legislature shall prescribe minimum academic
960 performance standards and minimum classroom expenditure
961 requirements for districts not meeting such minimum academic
962 performance standards in the General Appropriations Act.

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

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

968 1008.22 Student assessment program for public schools.—

969 (6) LOCAL ASSESSMENTS.—

970 (a) Measurement of student performance ~~learning gains~~ in
971 all subjects and grade levels, except those subjects and grade
972 levels measured under the statewide, standardized assessment
973 program described in this section, is the responsibility of the
974 school districts.

975 (b) Except for those subjects and grade levels measured
976 under the statewide, standardized assessment program, beginning
977 with the 2014-2015 school year, each school district shall
978 administer for each course offered in the district a local
979 ~~student~~ assessment that measures student mastery of course ~~the~~
980 ~~content, as described in the state-adopted course description,~~
981 at the necessary level of rigor for the course. As adopted
982 pursuant to State Board of Education rule, course content is set
983 forth in the state standards required by s. 1003.41 and in the
984 course description. Local ~~Such~~ assessments may include:

985 1. Statewide assessments.

986 2. Other standardized assessments, including nationally

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987 recognized standardized assessments.

988 3. Industry certification assessments ~~examinations~~.

989 4. District-developed or district-selected end-of-course
990 assessments.

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

992 (c) Each district school board must adopt policies for
993 selection, development, administration, and scoring of local
994 assessments and for collection of assessment results. Local
995 assessments implemented under subparagraphs (b)4. and 5. may
996 include a variety of assessment formats, including, but not
997 limited to, project-based assessments, adjudicated performances,
998 and practical application assignments. For all English Language
999 Arts, mathematics, science, and social studies courses offered
1000 in the district that are used to meet graduation requirements
1001 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are
1002 not otherwise assessed by statewide, standardized assessments,
1003 the district school board must select the assessments described
1004 in subparagraphs (b)1.-4.

1005 (d) ~~(e)~~ The Commissioner of Education shall identify methods
1006 to assist and support districts in the development and
1007 acquisition of assessments required under this subsection.
1008 Methods may include developing item banks, facilitating the
1009 sharing of developed tests among school districts, acquiring
1010 assessments from state and national curriculum-area
1011 organizations, and providing technical assistance in best
1012 professional practices of test development based upon state-
1013 adopted curriculum standards, administration, and security.

1014 (e) ~~(d)~~ Each school district shall establish schedules for
1015 the administration of any district-mandated assessment and

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1016 approve the schedules as an agenda item at a district school
1017 board meeting. The school district shall publish the testing
1018 schedules on its website, clearly specifying the district-
1019 mandated assessments, and report the schedules to the Department
1020 of Education by October 1 of each year.

1021 Section 13. Subsections (1), (7), and (8) of section
1022 1012.34, Florida Statutes, are amended, and subsections (9) and
1023 (10) are added to that section, to read:

1024 1012.34 Personnel evaluation procedures and criteria.—

1025 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1026 (a) For the purpose of increasing student academic
1027 performance ~~learning growth~~ by improving the quality of
1028 instructional, administrative, and supervisory services in the
1029 public schools of the state, the district school superintendent
1030 shall establish procedures for evaluating the performance of
1031 duties and responsibilities of all instructional,
1032 administrative, and supervisory personnel employed by the school
1033 district. The district school superintendent shall provide
1034 instructional personnel the opportunity to review their class
1035 rosters for accuracy and to correct any mistakes. The district
1036 school superintendent shall ~~annually~~ report accurate class
1037 rosters for the purpose of calculating district and statewide
1038 student performance and annually report the evaluation results
1039 of instructional personnel and school administrators to the
1040 Department of Education in addition to the information required
1041 under subsection (5).

1042 (b) The department must approve each school district's
1043 instructional personnel and school administrator evaluation
1044 systems. The department shall monitor each district's

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1045 implementation of its instructional personnel and school
1046 administrator evaluation systems for compliance with the
1047 requirements of this section.

1048 (c) Annually, by December 1, ~~2012~~, the Commissioner of
1049 Education shall report to the Governor, the President of the
1050 Senate, and the Speaker of the House of Representatives the
1051 approval and implementation status of each school district's
1052 instructional personnel and school administrator evaluation
1053 systems. The report shall include performance evaluation results
1054 for the prior school year for instructional personnel and school
1055 administrators using the four levels of performance specified in
1056 paragraph (2) (e). The performance evaluation results for
1057 instructional personnel shall be disaggregated by classroom
1058 teachers, as defined in s. 1012.01(2) (a), excluding substitute
1059 teachers, and all other instructional personnel, as defined in
1060 s. 1012.01(2) (b)-(d). The commissioner shall include in the
1061 report each district's performance-level standards established
1062 under subsection (7), a comparative analysis of the district's
1063 student academic performance results and evaluation results,
1064 data reported under s. 1012.341, continue to report, by December
1065 ~~1 each year thereafter, each school district's performance~~
1066 ~~evaluation results~~ and the status of any evaluation system
1067 revisions requested by a school district pursuant to subsection
1068 (6).

1069 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

1070 (a) ~~By June 1, 2011~~, The Commissioner of Education shall
1071 approve a formula to measure individual student learning growth
1072 on the statewide, standardized assessments in English Language
1073 Arts and mathematics ~~on the Florida Comprehensive Assessment~~

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1074 ~~Test (FCAT)~~ administered under s. 1008.22 ~~1008.22(3)(c)1~~. The
1075 formula must take into consideration each student's prior
1076 academic performance. The formula must not set different
1077 expectations for student learning growth based upon a student's
1078 gender, race, ethnicity, or socioeconomic status. In the
1079 development of the formula, the commissioner shall consider
1080 other factors such as a student's attendance record, disability
1081 status, or status as an English language learner. The
1082 commissioner shall select additional formulas as appropriate for
1083 the remainder of the statewide assessments included under s.
1084 1008.22 and continue to select formulas as new assessments are
1085 implemented in the state system. After the commissioner approves
1086 the formula to measure individual student learning growth ~~on the~~
1087 ~~FCAT and as additional formulas are selected by the commissioner~~
1088 ~~for new assessments implemented in the state system,~~ the State
1089 Board of Education shall adopt these formulas in ~~by~~ rule.

1090 (b) ~~Beginning in the 2011-2012 school year,~~ Each school
1091 district shall measure student learning growth using the
1092 formulas ~~formula~~ approved by the commissioner under paragraph
1093 (a) for courses associated with the statewide, standardized
1094 assessments administered ~~FCAT~~. ~~Each school district shall~~
1095 ~~implement the additional student learning growth measures~~
1096 ~~selected by the commissioner under paragraph (a) for the~~
1097 ~~remainder of the statewide assessments included~~ under s. 1008.22
1098 no later than the school year immediately following the year the
1099 formula is approved by the commissioner ~~as they become~~
1100 available. ~~Beginning in the 2014-2015 school year,~~ For grades
1101 and subjects not assessed by statewide, standardized assessments
1102 but otherwise assessed as required under s. 1008.22(6)

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1103 ~~1008.22(8)~~, each school district shall measure performance of
1104 students ~~student learning growth~~ using a methodology determined
1105 by the district ~~an equally appropriate formula~~. The department
1106 shall provide models for measuring performance of students
1107 ~~student learning growth~~ which school districts may adopt.

1108 (c) For a course that is not measured by a statewide,
1109 standardized assessment, a school district may request, through
1110 the evaluation system approval process, to use a student's
1111 ~~student~~ achievement level ~~measure~~ rather than a student learning
1112 growth ~~measure~~ if achievement is demonstrated to be a more
1113 appropriate measure of classroom teacher performance. A school
1114 district may also request to use a combination of student
1115 learning growth and achievement, if appropriate.

1116 (d) ~~For~~ If ~~the student learning growth in a course that is~~
1117 ~~not measured by a statewide, standardized assessment but is~~
1118 ~~measured by a school district assessment~~, a school district may
1119 request, through the evaluation system approval process, that
1120 the performance evaluation for the classroom teacher assigned to
1121 that course include the learning growth of his or her students
1122 on one or more statewide, standardized assessments ~~FCAT Reading~~
1123 ~~or FCAT Mathematics~~. The request must clearly explain the
1124 rationale supporting the request. ~~However, the classroom~~
1125 ~~teacher's performance evaluation must give greater weight to~~
1126 ~~student learning growth on the district assessment.~~

1127 (e) For purposes of this section and only for the 2014-2015
1128 school year, a school district may use measurable learning
1129 targets on local assessments administered under s. 1008.22(6) to
1130 evaluate the performance of students portion of a classroom
1131 teacher's evaluation for courses that are not assessed by

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1132 statewide, standardized assessments. ~~classroom teachers of~~
1133 ~~courses for which the district has not implemented appropriate~~
1134 ~~assessments under s. 1008.22(8) or for which the school district~~
1135 ~~has not adopted an equally appropriate measure of student~~
1136 ~~learning growth under paragraphs (b) (d), student learning~~
1137 ~~growth must be measured by the growth in learning of the~~
1138 ~~classroom teacher's students on statewide assessments, or, for~~
1139 ~~courses in which enrolled students do not take the statewide~~
1140 ~~assessments, measurable Learning targets must be established~~
1141 ~~based upon the goals of the school improvement plan and approved~~
1142 ~~by the school principal. A district school superintendent may~~
1143 ~~assign to instructional personnel in an instructional team the~~
1144 ~~student learning growth of the instructional team's students on~~
1145 ~~statewide assessments. This paragraph expires July 1, 2015.~~

1146 (8) RULEMAKING.—The State Board of Education shall adopt
1147 rules pursuant to ss. 120.536(1) and 120.54 which establish
1148 uniform procedures for the submission, review, and approval of
1149 district evaluation systems and reporting requirements for the
1150 annual evaluation of instructional personnel and school
1151 administrators; specific, discrete standards for each
1152 performance level required under subsection (2) to ensure clear
1153 and sufficient differentiation in the performance levels and to
1154 provide consistency in meaning across school districts; the
1155 measurement of student learning growth and associated
1156 implementation procedures required under subsection (7); ~~a~~
1157 ~~process to permit instructional personnel to review the class~~
1158 ~~roster for accuracy and to correct any mistakes relating to the~~
1159 ~~identity of students for whom the individual is responsible; and~~
1160 a process for monitoring school district implementation of

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1161 evaluation systems in accordance with this section.
 1162 Specifically, the rules shall establish a student performance
 1163 levels ~~learning growth standard~~ that if not met will result in
 1164 the employee receiving an unsatisfactory performance evaluation
 1165 rating. In like manner, the rules shall establish a student
 1166 performance level ~~learning growth standard~~ that must be met in
 1167 order for an employee to receive a highly effective rating and a
 1168 student learning growth standard that must be met in order for
 1169 an employee to receive an effective rating.

1170 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.-
 1171 Standards for each performance level required under subsection
 1172 (2) shall be established by the State Board of Education
 1173 beginning with the 2015-2016 school year.

1174 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON
 1175 EVALUATION PROGRESS.-School districts are eligible for bonus
 1176 rewards as provided for in the 2014 General Appropriations Act
 1177 for making outstanding progress toward educator effectiveness,
 1178 including implementation of instructional personnel salaries
 1179 based on performance results under s. 1012.34 and the use of
 1180 local assessment results in personnel evaluations when
 1181 statewide, standardized assessments are not administered.

1182 Section 14. Section 1012.341, Florida Statutes, is amended
 1183 to read:

1184 1012.341 Exemption from performance evaluation system and
 1185 compensation and salary schedule requirements.-

1186 (1) Hillsborough County ~~Notwithstanding any other provision~~
 1187 ~~of this act,~~ a School District ~~that~~ received an exemption under
 1188 Florida's Race to the Top Memorandum of Understanding for Phase
 1189 2, as provided in s. (D) (2) (ii) of the memorandum. Accordingly,

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1190 notwithstanding any other provision of law, Hillsborough County
1191 School District, is allowed to base 40 percent, instead of 50
1192 percent, of instructional personnel and school administrator
1193 performance evaluations upon student performance learning growth
1194 under s. 1012.34, ~~as amended by this act~~. The school district is
1195 also exempt from the amendments to s. 1012.22(1)(c) made by
1196 chapter 2011-1, Laws of Florida ~~this act~~. The exemptions
1197 described in this subsection are effective beginning with ~~for~~
1198 the 2011-2012 school year and until the expiration of this
1199 section ~~are effective for each school year thereafter if the~~
1200 ~~school district receives annual approval by the State Board of~~
1201 ~~Education.~~

1202 (2) By October 1, 2014, and by October 1 annually
1203 thereafter, the superintendent of Hillsborough County School
1204 District shall attest, in writing, to the Commissioner of
1205 Education that ~~The State Board of Education shall base its~~
1206 ~~approval upon demonstration by the school district of the~~
1207 ~~following:~~

1208 (a) The instructional personnel and school administrator
1209 evaluation systems base at least 40 percent of an employee's
1210 performance evaluation upon student performance and that student
1211 performance is the single greatest component of an employee's
1212 evaluation.

1213 (b) The instructional personnel and school administrator
1214 evaluation systems adopt the Commissioner of Education's student
1215 learning growth formula for statewide assessments as provided
1216 under s. 1012.34(7).

1217 (c) The school district's instructional personnel and
1218 school administrator compensation system awards salary increases

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1219 based upon sustained student performance.

1220 (d) The school district's contract system awards
1221 instructional personnel and school administrators based upon
1222 student performance and removes ineffective employees.

1223 ~~(e) Beginning with the 2014-2015 school year and each
1224 school year thereafter, student learning growth based upon
1225 performance on statewide assessments under s. 1008.22 must have
1226 significantly improved compared to student learning growth in
1227 the district in 2011-2012 and significantly improved compared to
1228 other school districts.~~

1229 (3) Failure to comply with subsection (2) is grounds for
1230 the State Board of Education, at a public hearing, to revoke the
1231 exemption ~~The State Board of Education shall annually renew a
1232 school district's exemptions if the school district demonstrates
1233 that it meets the requirements of subsection (2). If the
1234 exemptions are not renewed, the school district must comply with
1235 the requirements and laws described in subsection (1) by the
1236 beginning of the next school year immediately following the loss
1237 of the exemptions.~~

1238 ~~(4) The State Board of Education shall adopt rules pursuant
1239 to ss. 120.536(1) and 120.54 to establish the procedures for
1240 applying for the exemptions and the criteria for renewing the
1241 exemptions.~~

1242
1243 This section is ~~shall be~~ repealed August 1, 2017, unless
1244 reviewed and reenacted by the Legislature.

1245 Section 15. This act shall take effect July 1, 2014.