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

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59 performance evaluation system, compensation, and  
60 salary schedule requirements; providing an effective  
61 date.

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

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

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

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

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

85 (b) "Learning Gains," "annual learning gains," or "student  
86 learning gains" means the degree of student learning growth  
87 occurring from one school year to the next as required by state

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88 board rule for purposes of calculating school grades under this  
89 section.

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

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

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

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

115  
116 Each school that earns a grade of "A" or improves at least two

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

123 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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

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

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

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

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

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

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

174 d. The percentage of eligible students passing the

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175 statewide, standardized assessments in social studies under s.  
176 1008.22(3).

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

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

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

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

202 i. For schools comprised of middle grades 6 through 8 or  
203 grades 7 and 8, the percentage of eligible students passing high

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204 school level statewide, standardized end-of-course assessments  
205 or attaining national industry certifications identified in the  
206 Industry Certification Funding List pursuant to rules adopted by  
207 the State Board of Education.

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

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

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



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233 factors:

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

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

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

261 2. The calculation of school grades may not include any

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262 provision that would raise or lower the school's grade beyond  
263 the percentage of points earned. Extra weight may not be added  
264 in the calculation of any components.

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

268 ~~d. The high school graduation rate of at-risk students, who~~  
269 ~~score Level 1 or Level 2 on grade 8 FCAT Reading or the English~~  
270 ~~Language Arts and mathematics assessments administered under s.~~  
271 ~~1008.22;~~

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

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

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

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

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

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291 ~~lowest 25th percentile of students in the school in reading and~~  
292 ~~mathematics, unless these students are exhibiting satisfactory~~  
293 ~~performance.~~

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

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

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

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

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

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

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

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349 ~~industry certification identified in the Industry Certification~~  
350 ~~Funding List, pursuant to rules adopted by the State Board of~~  
351 ~~Education;~~

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

356 ~~d. Earning of college credit by all eligible students~~  
357 ~~enrolled in the school in dual enrollment programs under s.~~  
358 ~~1007.271;~~

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

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

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

370 ~~h. The performance of the school's students on statewide,~~  
371 ~~standardized end-of-course assessments administered under s.~~  
372 ~~1008.22(3)(b)4. and 5.; and~~

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

375

376 ~~The State Board of Education shall adopt appropriate criteria~~  
377 ~~for each school grade. The criteria must also give added weight~~

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

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

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

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407 indicators of return on investment. Each school's report card  
408 shall be published annually by the department on its website  
409 based upon the most recent data available.

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

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

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436 preparing students for the transition from elementary to middle  
437 school, middle to high school, and high school to postsecondary  
438 institutions and careers.

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

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

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

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

464 2. The Florida School Recognition Program established under



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465 s. 1008.36 shall continue to be implemented as otherwise  
466 provided in the General Appropriations Act.

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

472

473 This subsection is repealed July 1, 2017.

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

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

479 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
480 Maintain a ~~state~~ system of school improvement and education  
481 accountability as provided by statute and State Board of  
482 Education rule. This system of school improvement and education  
483 accountability shall be consistent with, and implemented  
484 through, the district's continuing system of planning and  
485 budgeting required by this section and ss. 1008.385, 1010.01,  
486 and 1011.01. This system of school improvement and education  
487 accountability shall comply with the provisions of ss. 1008.33,  
488 1008.34, 1008.345, and 1008.385 and include the following:

489 (a) *School improvement plans.*—The district school board  
490 shall annually approve and require implementation of a new,  
491 amended, or continuation school improvement plan for each school  
492 in the district. If a school has a significant gap in  
493 achievement on statewide, standardized assessments administered

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494 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student  
495 subgroups, as defined in the federal Elementary and Secondary  
496 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
497 significantly increased ~~decreased~~ the percentage of students  
498 passing scoring below satisfactory on statewide, standardized  
499 assessments; has not significantly increased the percentage of  
500 students demonstrating Learning Gains, as defined in s. 1008.34  
501 and as calculated under s. 1008.34(3)(b), who passed statewide,  
502 standardized assessments; or has significantly lower graduation  
503 rates for a subgroup when compared to the state's graduation  
504 rate, that school's improvement plan shall include strategies  
505 for improving these results. The state board shall adopt rules  
506 establishing thresholds and for determining compliance with this  
507 paragraph.

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

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

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523 school improvement plans. Such funds shall include those funds  
524 appropriated for the purpose of school improvement pursuant to  
525 s. 24.121(5)(c).

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

529 1002.33 Charter schools.—

530 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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552 (II) Contract with an outside entity that has a  
553 demonstrated record of effectiveness to operate the school;

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

556 (IV) Voluntarily close the charter school.

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

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

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

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

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

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

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

596 a. The charter school is established to turn around the  
597 performance of a district public school pursuant to s.  
598 1008.33(4)(b)3. Such charter schools shall be governed by s.  
599 1008.33;

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

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

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

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

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

631 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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639 ~~improvement rating to each charter school that:~~

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

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

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

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

662 (I) Grades 3 through 5;

663 (II) Grades 6 through 8; and

664 (III) Grades 9 through 11.

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

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

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

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

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

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

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

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

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

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

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



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697 school district must meet the following requirements:

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

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

702

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

709 Section 5. Paragraph (b) of subsection (1) of section  
710 1008.31, Florida Statutes, is amended to read:

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

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

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

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

724 1008.33 Authority to enforce public school improvement.-

725 (2) (a) Pursuant to subsection (1) and ss. 1008.34,

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726 1008.345, and 1008.385, the State Board of Education shall hold  
727 all school districts and public schools accountable for student  
728 performance. The state board is responsible for a state system  
729 of school improvement and education accountability that assesses  
730 student performance by school, identifies schools that in which  
731 ~~students are not meeting accountability making adequate progress~~  
732 ~~toward state~~ standards, and institutes appropriate measures for  
733 enforcing improvement.

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

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

745 Section 7. Subsections (2), (3), and (4) of section  
746 1008.341, Florida Statutes, are amended to read:

747 1008.341 School improvement rating for alternative  
748 schools.—

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

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

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784 (a) "Commendable" ~~"Improving"~~ means a significant  
785 percentage of the students attending the school are making  
786 Learning Gains ~~more academic progress than when the students~~  
787 ~~were served in their home schools.~~

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

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

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

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

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

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813        (a) The percentage of eligible students who make Learning  
814 Gains in English Language Arts as measured by statewide,  
815 standardized assessments under s. 1008.22(3).

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

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

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

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

841        1008.3415 School grade or school improvement rating for

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842 exceptional student education centers.-

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

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

856 1008.22 Student assessment program for public schools.-

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

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

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871 assessment.

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

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

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

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900 the utmost compassion and consideration for meeting the parent's  
901 and child's needs.

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

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

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

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

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



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929 (a) For each school district:

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

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

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

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

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

955 Section 11. Paragraph (a) of subsection (2) of section  
956 1011.64, Florida Statutes, is amended to read:

957 1011.64 School district minimum classroom expenditure

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958 requirements.—

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

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

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

969 1008.22 Student assessment program for public schools.—

970 (6) LOCAL ASSESSMENTS.—

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

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

986 1. Statewide assessments.

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987 2. Other standardized assessments, including nationally  
988 recognized standardized assessments.

989 3. Industry certification assessments ~~examinations~~.

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

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

993 (c) Each district school board must adopt policies for  
994 selection, development, administration, and scoring of local  
995 assessments and for collection of assessment results. Local  
996 assessments implemented under subparagraphs (b)4. and 5. may  
997 include a variety of assessment formats, including, but not  
998 limited to, project-based assessments, adjudicated performances,  
999 and practical application assignments. For all English Language  
1000 Arts, mathematics, science, and social studies courses offered  
1001 in the district that are used to meet graduation requirements  
1002 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are  
1003 not otherwise assessed by statewide, standardized assessments,  
1004 the district school board must select the assessments described  
1005 in subparagraphs (b)1.-4.

1006 (d)~~(e)~~ The Commissioner of Education shall identify methods  
1007 to assist and support districts in the development and  
1008 acquisition of assessments required under this subsection.  
1009 Methods may include developing item banks, facilitating the  
1010 sharing of developed tests among school districts, acquiring  
1011 assessments from state and national curriculum-area  
1012 organizations, and providing technical assistance in best  
1013 professional practices of test development based upon state-  
1014 adopted curriculum standards, administration, and security.

1015 (e)~~(d)~~ Each school district shall establish schedules for

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1016 the administration of any district-mandated assessment and  
1017 approve the schedules as an agenda item at a district school  
1018 board meeting. The school district shall publish the testing  
1019 schedules on its website, clearly specifying the district-  
1020 mandated assessments, and report the schedules to the Department  
1021 of Education by October 1 of each year.

1022 Section 13. Subsections (1), (7), and (8) of section  
1023 1012.34, Florida Statutes, are amended, and subsections (9) and  
1024 (10) are added to that section, to read:

1025 1012.34 Personnel evaluation procedures and criteria.—

1026 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1027 (a) For the purpose of increasing student academic  
1028 performance ~~learning growth~~ by improving the quality of  
1029 instructional, administrative, and supervisory services in the  
1030 public schools of the state, the district school superintendent  
1031 shall establish procedures for evaluating the performance of  
1032 duties and responsibilities of all instructional,  
1033 administrative, and supervisory personnel employed by the school  
1034 district. The district school superintendent shall provide  
1035 instructional personnel the opportunity to review their class  
1036 rosters for accuracy and to correct any mistakes. The district  
1037 school superintendent shall ~~annually~~ report accurate class  
1038 rosters for the purpose of calculating district and statewide  
1039 student performance and annually report the evaluation results  
1040 of instructional personnel and school administrators to the  
1041 Department of Education in addition to the information required  
1042 under subsection (5).

1043 (b) The department must approve each school district's  
1044 instructional personnel and school administrator evaluation

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1045 systems. The department shall monitor each district's  
1046 implementation of its instructional personnel and school  
1047 administrator evaluation systems for compliance with the  
1048 requirements of this section.

1049 (c) Annually, by December 1, ~~2012~~, the Commissioner of  
1050 Education shall report to the Governor, the President of the  
1051 Senate, and the Speaker of the House of Representatives the  
1052 approval and implementation status of each school district's  
1053 instructional personnel and school administrator evaluation  
1054 systems. The report shall include performance evaluation results  
1055 for the prior school year for instructional personnel and school  
1056 administrators using the four levels of performance specified in  
1057 paragraph (2)(e). The performance evaluation results for  
1058 instructional personnel shall be disaggregated by classroom  
1059 teachers, as defined in s. 1012.01(2)(a), excluding substitute  
1060 teachers, and all other instructional personnel, as defined in  
1061 s. 1012.01(2)(b)-(d). The commissioner shall include in the  
1062 report each district's performance-level standards established  
1063 under subsection (7), a comparative analysis of the district's  
1064 student academic performance results and evaluation results,  
1065 data reported under s. 1012.341, ~~continue to report, by December~~  
1066 ~~1 each year thereafter, each school district's performance~~  
1067 ~~evaluation results~~ and the status of any evaluation system  
1068 revisions requested by a school district pursuant to subsection  
1069 (6).

1070 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

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

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1074 Arts and mathematics ~~on the Florida Comprehensive Assessment~~  
1075 ~~Test (FCAT)~~ administered under s. 1008.22 ~~1008.22(3)(c)1~~. The  
1076 formula must take into consideration each student's prior  
1077 academic performance. The formula must not set different  
1078 expectations for student learning growth based upon a student's  
1079 gender, race, ethnicity, or socioeconomic status. In the  
1080 development of the formula, the commissioner shall consider  
1081 other factors such as a student's attendance record, disability  
1082 status, or status as an English language learner. The  
1083 commissioner shall select additional formulas as appropriate for  
1084 the remainder of the statewide assessments included under s.  
1085 1008.22 and continue to select formulas as new assessments are  
1086 implemented in the state system. After the commissioner approves  
1087 the formula to measure individual student learning growth ~~on the~~  
1088 ~~FCAT and as additional formulas are selected by the commissioner~~  
1089 ~~for new assessments implemented in the state system~~, the State  
1090 Board of Education shall adopt these formulas in ~~by~~ rule.

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

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1103 but otherwise assessed as required under s. 1008.22(6)  
1104 ~~1008.22(8)~~, each school district shall measure performance of  
1105 students student learning growth using a methodology determined  
1106 by the district an equally appropriate formula. The department  
1107 shall provide models for measuring performance of students  
1108 ~~student learning growth~~ which school districts may adopt.

1109 (c) For a course that is not measured by a statewide,  
1110 standardized assessment, a school district may request, through  
1111 the evaluation system approval process, to use a student's  
1112 ~~student~~ achievement level measure rather than a student learning  
1113 growth ~~measure~~ if achievement is demonstrated to be a more  
1114 appropriate measure of classroom teacher performance. A school  
1115 district may also request to use a combination of student  
1116 learning growth and achievement, if appropriate.

1117 (d) ~~For~~ If the student learning growth in a course that is  
1118 not measured by a statewide, standardized assessment ~~but is~~  
1119 ~~measured by a school district assessment~~, a school district may  
1120 request, through the evaluation system approval process, that  
1121 the performance evaluation for the classroom teacher assigned to  
1122 that course include the learning growth of his or her students  
1123 on one or more statewide, standardized assessments ~~FCAT Reading~~  
1124 ~~or FCAT Mathematics~~. The request must clearly explain the  
1125 rationale supporting the request. ~~However, the classroom~~  
1126 ~~teacher's performance evaluation must give greater weight to~~  
1127 ~~student learning growth on the district assessment.~~

1128 (e) For purposes of this section and only for the 2014-2015  
1129 school year, a school district may use measurable learning  
1130 targets on local assessments administered under s. 1008.22(6) to  
1131 evaluate the performance of students portion of a classroom

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1132 teacher's evaluation for courses that are not assessed by  
1133 statewide, standardized assessments. ~~classroom teachers of~~  
1134 ~~courses for which the district has not implemented appropriate~~  
1135 ~~assessments under s. 1008.22(8) or for which the school district~~  
1136 ~~has not adopted an equally appropriate measure of student~~  
1137 ~~learning growth under paragraphs (b) (d), student learning~~  
1138 ~~growth must be measured by the growth in learning of the~~  
1139 ~~classroom teacher's students on statewide assessments, or, for~~  
1140 ~~courses in which enrolled students do not take the statewide~~  
1141 ~~assessments, measurable Learning targets must be established~~  
1142 ~~based upon the goals of the school improvement plan and approved~~  
1143 ~~by the school principal. A district school superintendent may~~  
1144 ~~assign to instructional personnel in an instructional team the~~  
1145 ~~student learning growth of the instructional team's students on~~  
1146 ~~statewide assessments. This paragraph expires July 1, 2015.~~

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



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1161 a process for monitoring school district implementation of  
1162 evaluation systems in accordance with this section.  
1163 Specifically, the rules shall establish a student performance  
1164 levels ~~learning growth standard~~ that if not met will result in  
1165 the employee receiving an unsatisfactory performance evaluation  
1166 rating. In like manner, the rules shall establish a student  
1167 performance level ~~learning growth standard~~ that must be met in  
1168 order for an employee to receive a highly effective rating and a  
1169 student learning growth standard that must be met in order for  
1170 an employee to receive an effective rating.

1171 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—  
1172 Standards for each performance level required under subsection  
1173 (2) shall be established by the State Board of Education  
1174 beginning with the 2015-2016 school year.

1175 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON  
1176 EVALUATION PROGRESS.—School districts are eligible for bonus  
1177 rewards as provided for in the 2014 General Appropriations Act  
1178 for making outstanding progress toward educator effectiveness,  
1179 including implementation of instructional personnel salaries  
1180 based on performance results under s. 1012.34 and the use of  
1181 local assessment results in personnel evaluations when  
1182 statewide, standardized assessments are not administered.

1183 Section 14. Section 1012.341, Florida Statutes, is amended  
1184 to read:

1185 1012.341 Exemption from performance evaluation system and  
1186 compensation and salary schedule requirements.—

1187 (1) Hillsborough County ~~Notwithstanding any other provision~~  
1188 ~~of this act,~~ a School District ~~that~~ received an exemption under  
1189 Florida's Race to the Top Memorandum of Understanding for Phase

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1190 2, as provided in s. (D)(2)(ii) of the memorandum. Accordingly,  
1191 notwithstanding any other provision of law, Hillsborough County  
1192 School District, is allowed to base 40 percent, instead of 50  
1193 percent, of instructional personnel and school administrator  
1194 performance evaluations upon student performance learning growth  
1195 under s. 1012.34, ~~as amended by this act~~. The school district is  
1196 also exempt from the amendments to s. 1012.22(1)(c) made by  
1197 chapter 2011-1, Laws of Florida ~~this act~~. The exemptions  
1198 described in this subsection are effective beginning with ~~for~~  
1199 the 2011-2012 school year and until the expiration of this  
1200 section ~~are effective for each school year thereafter if the~~  
1201 ~~school district receives annual approval by the State Board of~~  
1202 ~~Education.~~

1203 (2) By October 1, 2014, and by October 1 annually  
1204 thereafter, the superintendent of Hillsborough County School  
1205 District shall attest, in writing, to the Commissioner of  
1206 Education that ~~The State Board of Education shall base its~~  
1207 ~~approval upon demonstration by the school district of the~~  
1208 ~~following:~~

1209 (a) The instructional personnel and school administrator  
1210 evaluation systems base at least 40 percent of an employee's  
1211 performance evaluation upon student performance and that student  
1212 performance is the single greatest component of an employee's  
1213 evaluation.

1214 (b) The instructional personnel and school administrator  
1215 evaluation systems adopt the Commissioner of Education's student  
1216 learning growth formula for statewide assessments as provided  
1217 under s. 1012.34(7).

1218 (c) The school district's instructional personnel and

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1219 school administrator compensation system awards salary increases  
1220 based upon sustained student performance.

1221 (d) The school district's contract system awards  
1222 instructional personnel and school administrators based upon  
1223 student performance and removes ineffective employees.

1224 ~~(e) Beginning with the 2014-2015 school year and each  
1225 school year thereafter, student learning growth based upon  
1226 performance on statewide assessments under s. 1008.22 must have  
1227 significantly improved compared to student learning growth in  
1228 the district in 2011-2012 and significantly improved compared to  
1229 other school districts.~~

1230 (3) Failure to comply with subsection (2) is grounds for  
1231 the State Board of Education, at a public hearing, to revoke the  
1232 exemption ~~The State Board of Education shall annually renew a  
1233 school district's exemptions if the school district demonstrates  
1234 that it meets the requirements of subsection (2). If the  
1235 exemptions are not renewed, the school district must comply with  
1236 the requirements and laws described in subsection (1) by the  
1237 beginning of the next school year immediately following the loss  
1238 of the exemptions.~~

1239 ~~(4) The State Board of Education shall adopt rules pursuant  
1240 to ss. 120.536(1) and 120.54 to establish the procedures for  
1241 applying for the exemptions and the criteria for renewing the  
1242 exemptions.~~

1243

1244 This section is ~~shall be~~ repealed August 1, 2017, unless  
1245 reviewed and reenacted by the Legislature.

1246 Section 15. This act shall take effect July 1, 2014.