

20141642er

1
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

20141642er

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

20141642er

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

20141642er

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

20141642er

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

20141642er

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

20141642er

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.e. 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

20141642er

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

20141642er

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

20141642er

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~~

20141642er

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

20141642er

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~~

20141642er

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~~

20141642er

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

20141642er

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

20141642er

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

20141642er

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

20141642er

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

20141642er

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. 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;

20141642er

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

20141642er

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

20141642er

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)(c)
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~~

20141642er

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

20141642er

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

20141642er

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,

20141642er

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~~

20141642er

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:

20141642er

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:~~

20141642er

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

20141642er

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

20141642er

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

20141642er

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:

20141642er

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

20141642er

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.

20141642er

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

20141642er

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

20141642er

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

20141642er

1074 Arts and mathematics ~~on the Florida Comprehensive Assessment~~
1075 ~~Test (FCAT)~~ administered under s. 1008.22 ~~1008.22(3)(e)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

20141642er

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

20141642er

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~~

20141642er

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

20141642er

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

20141642er

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.