

By the Committee on Education Pre-K - 12; and Senator Legg

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1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1001.03, F.S.; revising the powers of the State
4 Board of Education to require adoption of rules
5 regarding notification forms for grade 3 retention and
6 midyear promotion, and high school graduation
7 requirements and options; amending s. 1008.22, F.S.;
8 removing the requirement that English Language Arts
9 statewide assessments be administered to students in
10 grade 11; prohibiting a school district from
11 administering a local assessment on a subject measured
12 under a statewide assessment; requiring a school
13 district to provide a student's performance results on
14 local assessments within a specified timeframe;
15 revising requirements for the administration of local
16 assessments; transferring provisions relating to
17 district school board policies regarding assessments;
18 restricting the amount of school hours that a school
19 district may dedicate to administer specified
20 assessments; providing exceptions; requiring a school
21 district to secure consent of a student's parent if
22 school hours dedicated to the administration of local
23 assessments exceed the threshold amount; authorizing a
24 student to take an examination or assessment adopted
25 pursuant to State Board of Education rule; revising
26 requirements regarding the school district's adoption
27 and publication of testing schedules; amending s.
28 1008.25, F.S.; revising requirements for a district
29 school board's comprehensive student progression plan;

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30 removing references regarding local assessments;
31 revising requirements regarding instruction and
32 reassessment of students who exhibit a reading
33 deficiency; amending s. 1008.30, F.S.; specifying
34 alternative assessments that may be accepted by public
35 postsecondary educational institutions in lieu of the
36 common placement test; revising requirements for state
37 board rules regarding common placement testing;
38 authorizing, rather than requiring, high schools to
39 perform specified college readiness evaluations;
40 amending s. 1008.34, F.S.; adding references to school
41 improvement ratings; amending s. 1012.34, F.S.;
42 revising the percentage thresholds for performance
43 evaluation criteria for instructional personnel and
44 school administrators; authorizing use of peer reviews
45 under the professional and job responsibilities
46 component of the evaluation; specifying standards for
47 the content and the administration of local
48 assessments; specifying requirements for eligibility
49 of salary adjustments for instructional personnel or
50 school administrators; requiring the state board to
51 adopt rules by a certain date; amending s. 1012.3401,
52 F.S.; revising the formula for a classroom teacher's
53 or school administrator's performance evaluation;
54 authorizing a school district to request approval from
55 the state board to use student performance results on
56 new statewide assessments for diagnostic and baseline
57 purposes; requiring a district school superintendent
58 to submit the waiver request to the Commissioner of

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59 Education; specifying required content of a waiver
60 request; requiring the commissioner to review and make
61 recommendations to the state board regarding each
62 waiver request; specifying conditions and requirements
63 for a school that is granted a waiver for the 2014-
64 2015 school year; providing for expiration; requiring
65 the Office of Program Policy Analysis and Government
66 Accountability (OPPAGA) to complete a study regarding
67 the leasing of examination questions; requiring OPPAGA
68 to submit a report summarizing the study findings to
69 the Legislature by a specified date; amending ss.
70 1003.4282, 1003.4285, and 1012.22, F.S.; conforming
71 provisions to changes made by the act; providing an
72 effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Subsection (18) is added to section 1001.03,
77 Florida Statutes, to read:

78 1001.03 Specific powers of State Board of Education.—

79 (18) PUBLICATION OF GRADE 3 RETENTION AND MIDYEAR PROMOTION
80 AND HIGH SCHOOL GRADUATION REQUIREMENTS AND OPTIONS.—The State
81 Board of Education shall adopt by rule:

82 (a) A notification form that clearly identifies for parents
83 and students the grade 3 retention and midyear promotion
84 requirements, processes, and options, as well as the high school
85 graduation requirements, processes, and options. The rule must
86 require school districts to publish this notification form on
87 their websites and include the form in annual student handbooks.

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88 (b) A requirement that school districts attach the
89 notification form when providing student performance results to
90 parents on statewide, standardized assessments administered
91 pursuant to ss. 1002.69, 1003.56, and 1008.22.

92 Section 2. Paragraph (a) of subsection (3) and subsection
93 (6) of section 1008.22, Florida Statutes, are amended to read:

94 1008.22 Student assessment program for public schools.—

95 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
96 Commissioner of Education shall design and implement a
97 statewide, standardized assessment program aligned to the core
98 curricular content established in the Next Generation Sunshine
99 State Standards. The commissioner also must develop or select
100 and implement a common battery of assessment tools that will be
101 used in all juvenile justice education programs in the state.
102 These tools must accurately measure the core curricular content
103 established in the Next Generation Sunshine State Standards.
104 Participation in the assessment program is mandatory for all
105 school districts and all students attending public schools,
106 including adult students seeking a standard high school diploma
107 under s. 1003.4282 and students in Department of Juvenile
108 Justice education programs, except as otherwise provided by law.
109 If a student does not participate in the assessment program, the
110 school district must notify the student's parent and provide the
111 parent with information regarding the implications of such
112 nonparticipation. The statewide, standardized assessment program
113 shall be designed and implemented as follows:

114 (a) *Statewide, standardized comprehensive assessments.*—The
115 statewide, standardized Reading assessment shall be administered
116 annually in grades 3 through 10. The statewide, standardized

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117 Writing assessment shall be administered annually at least once
118 at the elementary, middle, and high school levels. When the
119 Reading and Writing assessments are replaced by English Language
120 Arts (ELA) assessments, ELA assessments shall be administered to
121 students in grades 3 through 10 ~~11~~. Retake opportunities for the
122 grade 10 Reading assessment or, upon implementation, the grade
123 10 ELA assessment must be provided. Students taking the ELA
124 assessments shall not take the statewide, standardized
125 assessments in Reading or Writing. ELA assessments shall be
126 administered online. The statewide, standardized Mathematics
127 assessments shall be administered annually in grades 3 through
128 8. Students taking a revised Mathematics assessment shall not
129 take the discontinued assessment. The statewide, standardized
130 Science assessment shall be administered annually at least once
131 at the elementary and middle grades levels. In order to earn a
132 standard high school diploma, a student who has not earned a
133 passing score on the grade 10 Reading assessment or, upon
134 implementation, the grade 10 ELA assessment must earn a passing
135 score on the assessment retake or earn a concordant score as
136 authorized under subsection (7).

137 (6) LOCAL ASSESSMENTS.—

138 (a) Measurement of student performance in all subjects and
139 grade levels, except those subjects and grade levels measured
140 under the statewide, standardized assessment program described
141 in this section, is the responsibility of the school districts.
142 However, a school district may not administer a local assessment
143 for subjects and grade levels that are measured under the
144 statewide, standardized end-of-course assessments. A school
145 district must provide a student's performance results on

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146 district-required local assessments to the student's teachers
147 and parents within 30 days after administering such assessments.

148 ~~(b) Except for those subjects and grade levels measured~~
149 ~~under the statewide, standardized assessment program, beginning~~
150 ~~with the 2014-2015 school year, each school district shall~~
151 ~~administer for each course offered in the district a local~~
152 ~~assessment that measures student mastery of course content at~~
153 ~~the necessary level of rigor for the course. As adopted pursuant~~
154 ~~to State Board of Education rule, course content is set forth in~~
155 ~~the state standards required by s. 1003.41 and in the course~~
156 ~~description. Local assessments may include:~~

157 ~~1. Statewide assessments.~~

158 ~~2. Other standardized assessments, including nationally~~
159 ~~recognized standardized assessments.~~

160 ~~3. Industry certification assessments.~~

161 ~~4. District-developed or district-selected end-of-course~~
162 ~~assessments.~~

163 ~~5. Teacher-selected or principal-selected assessments.~~

164 ~~(c) Each district school board must adopt policies for~~
165 ~~selection, development, administration, and scoring of local~~
166 ~~assessments and for collection of assessment results. Local~~
167 ~~assessments implemented under subparagraphs (b)4. and 5. may~~
168 ~~include a variety of assessment formats, including, but not~~
169 ~~limited to, project-based assessments, adjudicated performances,~~
170 ~~and practical application assignments. For all English Language~~
171 ~~Arts, mathematics, science, and social studies courses offered~~
172 ~~in the district that are used to meet graduation requirements~~
173 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
174 ~~not otherwise assessed by statewide, standardized assessments,~~

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175 ~~the district school board must select the assessments described~~
176 ~~in subparagraphs (b)1.-4.~~

177 ~~(d)~~ The Commissioner of Education shall identify methods to
178 assist and support districts in the development and acquisition
179 of local assessments ~~required under this subsection~~. Methods may
180 include developing item banks, facilitating the sharing of
181 developed tests among school districts, acquiring assessments
182 from state and national curriculum-area organizations, and
183 providing technical assistance in best professional practices of
184 test development based upon state-adopted curriculum standards,
185 administration, and security.

186 ~~(c)(e)~~ Each school district shall establish schedules for
187 the administration of any district-required local ~~district-~~
188 ~~mandated~~ assessment and approve the schedules as an agenda item
189 at a district school board meeting. A school district may not
190 schedule more than 5 percent of a student's total school hours
191 in a school year to administer statewide, standardized
192 assessments and district-required local assessments. The
193 district must secure written consent from a student's parent
194 before administering district-required local assessments that,
195 after applicable statewide, standardized assessments are
196 scheduled, exceed the 5 percent test administration limit for
197 that student under this paragraph. The 5 percent test
198 administration limit for a student under this paragraph may be
199 exceeded as needed to provide test accommodations that are
200 required by an IEP or are appropriate for an English language
201 learner who is currently receiving services in a program
202 operated in accordance with an approved English language learner
203 district plan pursuant to s. 1003.56. Notwithstanding this

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204 paragraph, a student may choose within a school year to take an
205 examination or assessment adopted by State Board of Education
206 rule pursuant to this section and ss. 1007.27, 1008.30, and
207 1008.44. The school district shall adopt its ~~publish the~~ testing
208 schedule for statewide, standardized assessments and district
209 required local assessments ~~schedules on its website,~~ clearly
210 specifying the estimates of average time for administering each
211 assessment by grade level. The district must publish on its
212 website ~~district-mandated assessments,~~ and report the schedules
213 to the Department of Education, in a format prescribed by the
214 department, by October 1 of each year.

215 Section 3. Paragraph (b) of subsection (2), subsections (3)
216 and (4), paragraphs (a) and (c) of subsection (5), and paragraph
217 (a) of subsection (8) of section 1008.25, Florida Statutes, are
218 amended to read:

219 1008.25 Public school student progression; remedial
220 instruction; reporting requirements.-

221 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.-Each district
222 school board shall establish a comprehensive plan for student
223 progression which must:

224 (b) Identify the ~~Provide~~ specific levels of performance in
225 reading, writing, science, and mathematics for each grade level,
226 ~~including the levels of performance on the~~ statewide,
227 standardized assessments required by s. 1008.22 as defined by
228 the commissioner, below which a student, pursuant to subsection
229 (4), must receive remediation or be retained within an intensive
230 program that is different from the previous year's program and
231 that takes into account the student's learning style.

232 (3) ALLOCATION OF RESOURCES.-District school boards shall

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233 allocate remedial and supplemental instruction resources to
234 students in the following priority:

235 (a) Students who are deficient in reading by the end of
236 grade 3.

237 (b) Students who fail to meet performance levels required
238 for promotion consistent with the district school board's plan
239 for student progression ~~required in paragraph (2) (b)~~.

240 (4) ASSESSMENT AND REMEDIATION.—

241 (a) Each student must participate in the statewide,
242 standardized assessment program required by s. 1008.22. Each
243 student who ~~does not meet specific levels of performance on the~~
244 ~~required assessments as determined by the district school board~~
245 ~~or who~~ scores below Level 3 on the statewide, standardized
246 Reading assessment or, upon implementation, the English Language
247 Arts assessment or on the statewide, standardized Mathematics
248 assessments in grades 3 through 8 and the Algebra I EOC
249 assessment must be provided with additional diagnostic
250 assessments to determine the nature of the student's difficulty,
251 the areas of academic need, and strategies for appropriate
252 intervention and instruction as described in paragraph (b).

253 (b) The school in which the student is enrolled must
254 develop, in consultation with the student's parent, and must
255 implement a progress monitoring plan. A progress monitoring plan
256 is intended to provide the school district and the school
257 flexibility in meeting the academic needs of the student and to
258 reduce paperwork. A student who is not meeting the ~~school~~
259 ~~district or~~ state requirements for proficiency in reading and
260 mathematics shall be covered by one of the following plans to
261 target instruction and identify ways to improve his or her

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262 academic achievement:

263 1. A federally required student plan such as an individual
264 education plan;

265 ~~2. A schoolwide system of progress monitoring for all~~
266 ~~students;~~ or

267 2.3. An individualized progress monitoring plan.

268

269 The plan chosen must be designed to assist the student ~~or the~~
270 ~~school~~ in meeting state ~~and district~~ expectations for
271 proficiency. If the student has been identified as having a
272 deficiency in reading, the K-12 comprehensive reading plan
273 required by s. 1011.62(9) shall include instructional and
274 support services to be provided to meet the desired levels of
275 performance. District school boards may require low-performing
276 students to attend remediation programs held before or after
277 regular school hours or during the summer if transportation is
278 provided.

279 (c) Upon subsequent evaluation, if the documented
280 deficiency has not been remediated, the student may be retained.
281 Each student who does not meet the minimum performance
282 expectations identified in paragraph (2) (b) ~~defined by the~~
283 ~~Commissioner of Education for the statewide assessment tests in~~
284 ~~reading, writing, science, and mathematics~~ must continue to be
285 provided with remedial or supplemental instruction until the
286 expectations are met or the student graduates from high school
287 or is not subject to compulsory school attendance.

288 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

289 (a) Any student who exhibits a substantial deficiency in
290 reading, based upon ~~locally determined or~~ statewide assessments

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291 conducted in kindergarten or grade 1, grade 2, or grade 3, such
292 as the statewide kindergarten screening administered under s.
293 1002.69 and subsequent related reading readiness screening ~~or~~
294 ~~through teacher observations~~, must be given intensive reading
295 instruction immediately following the identification of the
296 reading deficiency. The student's reading proficiency must be
297 reassessed ~~by locally determined assessments or through teacher~~
298 ~~observations at the beginning of the grade following the~~
299 ~~intensive reading instruction~~. The student must continue to be
300 provided with intensive reading instruction until the reading
301 deficiency is remedied.

302 (c) The parent of any student who exhibits a substantial
303 deficiency in reading, as described in paragraph (a), must be
304 notified in writing of the following:

305 1. That his or her child has been identified as having a
306 substantial deficiency in reading.

307 2. A description of the current services that are provided
308 to the child.

309 3. A description of the proposed supplemental instructional
310 services and supports that will be provided to the child that
311 are designed to remediate the identified area of reading
312 deficiency.

313 4. That if the child's reading deficiency is not remediated
314 by the end of grade 3, the child must be retained unless he or
315 she is exempt from mandatory retention for good cause.

316 5. Strategies for parents to use in helping their child
317 succeed in reading proficiency.

318 6. That the statewide, standardized assessment required
319 under s. 1008.22 for grade 3 ~~Florida Comprehensive Assessment~~

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320 ~~Test (FCAT)~~ is not the sole determiner of promotion and that
321 additional evaluations, portfolio reviews, and assessments are
322 available to the child to assist parents and the school district
323 in knowing when a child is reading at or above grade level and
324 ready for grade promotion.

325 7. The district's specific criteria and policies for a
326 portfolio as provided in subparagraph (6) (b)4. and the evidence
327 required for a student to demonstrate mastery of Florida's
328 academic standards for English Language Arts. A parent of a
329 student in grade 3 who is identified anytime during the year as
330 being at risk of retention may request that the school
331 immediately begin collecting evidence for a portfolio.

332 8. The district's specific criteria and policies for
333 midyear promotion. Midyear promotion means promotion of a
334 retained student at any time during the year of retention once
335 the student has demonstrated ability to read at grade level.

336 (8) ANNUAL REPORT.—

337 (a) In addition to the requirements in paragraph (5) (b),
338 each district school board must annually report to the parent of
339 each student the progress of the student toward achieving state
340 ~~and district~~ expectations for proficiency in reading, writing,
341 science, and mathematics. The district school board must report
342 to the parent the student's results on each statewide assessment
343 test. The evaluation of each student's progress must be based
344 upon the student's classroom work, observations, tests, district
345 and state assessments, and other relevant information. Progress
346 reporting must be provided to the parent in writing in a format
347 adopted by the district school board.

348 Section 4. Subsections (1) and (3) of section 1008.30,

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349 Florida Statutes, are amended to read:

350 1008.30 Common placement testing for public postsecondary
351 education.—

352 (1) The State Board of Education, in conjunction with the
353 Board of Governors, shall develop and implement a common
354 placement test for the purpose of assessing the basic
355 computation and communication skills of students who intend to
356 enter a degree program at any public postsecondary educational
357 institution. Alternative assessments, such as the SAT, ACT, and
358 other assessments identified by rule, that may be accepted in
359 lieu of the common placement test ~~shall also be identified in~~
360 ~~rule~~. Public postsecondary educational institutions shall
361 provide appropriate modifications of the test instruments or
362 test procedures for students with disabilities.

363 (3) The State Board of Education shall adopt rules that
364 authorize require high schools, at the request of a parent, to
365 evaluate before the beginning of grade 12 the college readiness
366 of a each student who scores Level 2 or Level 3 on grade 10 FCAT
367 Reading or the English Language Arts assessment under s.
368 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the
369 Algebra I assessment under s. 1008.22. High schools may shall
370 perform this evaluation using results from the corresponding
371 component of the common placement test prescribed in this
372 section, or an alternative test identified by the State Board of
373 Education, such as the SAT, ACT, and other assessments
374 identified by rule. The high school shall use the results of the
375 test to advise the students of any identified deficiencies and
376 to recommend ~~provide 12th grade students, and require them to~~
377 ~~complete,~~ appropriate postsecondary preparatory instruction

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378 before high school graduation as an option to 12th grade
379 students. The curriculum provided under this subsection shall be
380 identified in rule by the State Board of Education and encompass
381 Florida's Postsecondary Readiness Competencies. Other elective
382 courses may not be substituted for the selected postsecondary
383 mathematics, reading, writing, or English Language Arts
384 preparatory course unless the elective course covers the same
385 competencies included in the postsecondary mathematics, reading,
386 writing, or English Language Arts preparatory course.

387 Section 5. Subsection (7) of section 1008.34, Florida
388 Statutes, is amended to read:

389 1008.34 School grading system; school report cards;
390 district grade.—

391 (7) TRANSITION.—School grades pursuant to this section and
392 school improvement ratings pursuant to s. 1008.341 for the 2013-
393 2014 school year shall be calculated based on statutes and rules
394 in effect on June 30, 2014. To assist in the transition to 2014-
395 2015 school grades and school improvement ratings, calculated
396 based on new statewide, standardized assessments administered
397 pursuant to s. 1008.22, the 2014-2015 school grades and school
398 improvement ratings shall serve as an informational baseline for
399 schools to work toward improved performance in future years.
400 Accordingly, notwithstanding any other provision of law:

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

405 (b)1. A school or approved provider under s. 1002.45 that
406 receives the same or a lower school grade or school improvement

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407 rating for the 2014-2015 school year compared to the 2013-2014
408 school year is not subject to sanctions or penalties that would
409 otherwise occur as a result of the 2014-2015 school grade or
410 rating. A charter school system or a school district designated
411 as high performing may not lose the designation based on the
412 2014-2015 school grades of any of the schools within the charter
413 school system or school district, as applicable.

414 2. The Florida School Recognition Program established under
415 s. 1008.36 shall continue to be implemented as otherwise
416 provided in the General Appropriations Act.

417 (c) For purposes of determining grade 3 retention pursuant
418 to s. 1008.25(5) and high school graduation pursuant to s.
419 1003.4282, student performance on the 2014-2015 statewide,
420 standardized assessments shall be linked to 2013-2014 student
421 performance expectations.

422

423 This subsection is repealed July 1, 2017.

424 Section 6. Paragraph (a) of subsection (3) and subsections
425 (7) and (8) of section 1012.34, Florida Statutes, are amended to
426 read:

427 1012.34 Personnel evaluation procedures and criteria.-

428 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
429 personnel and school administrator performance evaluations must
430 be based upon the performance of students assigned to their
431 classrooms or schools, as provided in this section. Pursuant to
432 this section, a school district's performance evaluation is not
433 limited to basing unsatisfactory performance of instructional
434 personnel and school administrators solely upon student
435 performance, but may include other criteria approved to evaluate

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436 instructional personnel and school administrators' performance,
437 or any combination of student performance and other approved
438 criteria. Evaluation procedures and criteria must comply with,
439 but are not limited to, the following:

440 (a) A performance evaluation must be conducted for each
441 employee at least once a year, except that a classroom teacher,
442 as defined in s. 1012.01(2)(a), excluding substitute teachers,
443 who is newly hired by the district school board must be observed
444 and evaluated at least twice in the first year of teaching in
445 the school district. The performance evaluation must be based
446 upon sound educational principles and contemporary research in
447 effective educational practices. The evaluation criteria must
448 include:

449 1. Performance of students.—At least 33 ~~50~~ percent of a
450 performance evaluation must be based upon data and indicators of
451 student learning growth assessed annually by statewide
452 assessments or, for subjects and grade levels not measured by
453 statewide assessments, by school district assessments pursuant
454 to subsection (7) ~~as provided in s. 1008.22(6)~~. Each school
455 district must use the formula adopted pursuant to paragraph
456 (7)(a) for measuring student learning growth in all courses
457 associated with statewide assessments and must select an equally
458 appropriate formula for measuring student learning growth for
459 all other grades and subjects, except as otherwise provided in
460 subsection (7).

461 a. For classroom teachers, as defined in s. 1012.01(2)(a),
462 excluding substitute teachers, the student learning growth
463 portion of the evaluation must include growth data for students
464 assigned to the teacher over the course of at least 3 years. If

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465 less than 3 years of data are available, the years for which
466 data are available must be used and the percentage of the
467 evaluation based upon student learning growth may be reduced to
468 not less than 30 ~~40~~ percent.

469 b. For instructional personnel who are not classroom
470 teachers, the student learning growth portion of the evaluation
471 must include growth data on statewide assessments for students
472 assigned to the instructional personnel over the course of at
473 least 3 years, or may include a combination of student learning
474 growth data and other measurable student outcomes that are
475 specific to the assigned position, provided that the student
476 learning growth data accounts for not less than 30 percent of
477 the evaluation. If less than 3 years of student growth data are
478 available, the years for which data are available must be used
479 and the percentage of the evaluation based upon student learning
480 growth may be reduced to not less than 20 percent.

481 c. For school administrators, the student learning growth
482 portion of the evaluation must include growth data for students
483 assigned to the school over the course of at least 3 years. If
484 less than 3 years of data are available, the years for which
485 data are available must be used and the percentage of the
486 evaluation based upon student learning growth may be reduced to
487 not less than 30 ~~40~~ percent.

488 2. Instructional practice.—At least 33 percent of a
489 performance evaluation ~~criteria used~~ when annually observing
490 classroom teachers, as defined in s. 1012.01(2)(a), excluding
491 substitute teachers, must include indicators based upon each of
492 the Florida Educator Accomplished Practices adopted by the State
493 Board of Education. Multiple observations must be used by

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494 administrative personnel to evaluate the performance of each
495 classroom teacher. For instructional personnel who are not
496 classroom teachers, evaluation criteria must be based upon
497 indicators of the Florida Educator Accomplished Practices and
498 may include specific job expectations related to student
499 support.

500 3. Instructional leadership.—At least 30 percent of a
501 performance evaluation for school administrators, evaluation
502 criteria must include indicators based upon each of the
503 leadership standards adopted by the State Board of Education
504 under s. 1012.986, including performance measures related to the
505 effectiveness of classroom teachers in the school, the
506 administrator's appropriate use of evaluation criteria and
507 procedures, recruitment and retention of effective and highly
508 effective classroom teachers, improvement in the percentage of
509 instructional personnel evaluated at the highly effective or
510 effective level, and other leadership practices that result in
511 student learning growth. The system may include a means to give
512 parents and instructional personnel an opportunity to provide
513 input into the administrator's performance evaluation.

514 4. Professional and job responsibilities.—For instructional
515 personnel and school administrators, no more than 33 percent of
516 a performance evaluation must include other professional and job
517 responsibilities ~~must be included~~ as adopted by the State Board
518 of Education. The district school board may identify additional
519 professional and job responsibilities. Peer reviews may be used
520 for this component.

521 (7) MEASUREMENT OF STUDENT LEARNING GROWTH; STATE AND LOCAL
522 ASSESSMENTS.—

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523 (a) The Commissioner of Education shall approve a formula
524 to measure individual student learning growth on the statewide,
525 standardized assessments in English Language Arts and
526 mathematics administered under s. 1008.22. The formula must take
527 into consideration each student's prior academic performance.
528 The formula must not set different expectations for student
529 learning growth based upon a student's gender, race, ethnicity,
530 or socioeconomic status. In the development of the formula, the
531 commissioner shall consider other factors such as a student's
532 attendance record, disability status, or status as an English
533 language learner. The commissioner shall select additional
534 formulas as appropriate for the remainder of the statewide
535 assessments included under s. 1008.22 and continue to select
536 formulas as new assessments are implemented in the state system.
537 After the commissioner approves the formula to measure
538 individual student learning growth, the State Board of Education
539 shall adopt these formulas in rule.

540 (b) For courses associated with the statewide, standardized
541 assessments under s. 1008.22, each school district shall measure
542 student learning growth using the formulas approved by the
543 commissioner under paragraph (a) ~~for courses associated with the~~
544 ~~statewide, standardized assessments administered under s.~~
545 ~~1008.22~~ no later than the school year immediately following the
546 year the formula is approved by the commissioner.

547 (c) For grades and subjects not assessed by statewide,
548 standardized assessments, but otherwise locally assessed
549 pursuant to paragraph (d) as required under s. 1008.22(6), each
550 school district shall measure performance of students using a
551 methodology determined by the district. The department shall

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552 provide models for measuring performance of students which
553 school districts may adopt. However, for a course that is not
554 measured by a statewide, standardized assessment:

555 ~~1.(c) For a course that is not measured by a statewide,~~
556 ~~standardized assessment,~~ A school district may request, through
557 the evaluation system approval process, to use a student's
558 achievement level rather than student learning growth if
559 achievement is demonstrated to be a more appropriate measure of
560 classroom teacher performance. A school district may also
561 request to use a combination of student learning growth and
562 achievement, if appropriate.

563 ~~2.(d) For a course that is not measured by a statewide,~~
564 ~~standardized assessment,~~ A school district may request, through
565 the evaluation system approval process, that the performance
566 evaluation for the classroom teacher assigned to that course
567 include the learning growth of his or her students on one or
568 more statewide, standardized assessments. The request must
569 clearly explain the rationale supporting the request.

570 ~~3.(e) For purposes of this section and only for the 2014-~~
571 ~~2015 school year,~~ a school district may use measurable learning
572 targets on local assessments administered under paragraph (d)
573 and s. 1008.22(6) to evaluate the performance of students
574 portion of a classroom teacher's evaluation ~~for courses that are~~
575 ~~not assessed by statewide, standardized assessments.~~ Learning
576 targets must be approved by the school principal. A district
577 school superintendent may assign to instructional personnel in
578 an instructional team the student learning growth of the
579 instructional team's students on statewide assessments. This
580 subparagraph ~~paragraph~~ expires July 1, 2015.

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581 (d)1. Pursuant to s. 1008.22(6), school districts are
582 responsible for the measurement of student performance in all
583 subjects and grade levels, except those subjects and grade
584 levels measured under the statewide, standardized assessment
585 program. For subjects and grade levels not measured under the
586 statewide, standardized program, each school district is
587 responsible for administering local assessments that measure
588 student mastery of course content at the necessary level of
589 rigor. A school district may not administer a local assessment
590 for subjects and grade levels that are measured under the
591 statewide, standardized end-of-course assessments. As adopted
592 pursuant to State Board of Education rule, course content is set
593 forth in the state standards required by s. 1003.41 and in the
594 course description. Local assessments may include:

595 a. Statewide assessments.

596 b. Other standardized assessments, including nationally
597 recognized standardized assessments.

598 c. Industry certification assessments.

599 d. District-developed or district-selected assessments.

600 e. Teacher-selected or principal-selected assessments.

601 2. Each district school board must adopt policies for
602 selection, development, administration, and scoring of district-
603 required local assessments and for collection of assessment
604 results. The school district must provide a student's
605 performance results on local assessments to the student's
606 teachers and parents within 30 days after administering such
607 assessments. Local assessments may include a variety of
608 assessment formats, including, but not limited to, project-based
609 assessments, adjudicated performances, and practical application

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610 assignments. For all English Language Arts, mathematics,
611 science, and social studies courses offered in the district
612 which are used to meet graduation requirements under s.
613 1002.3105, s. 1003.4281, or s. 1003.4282 and which are not
614 otherwise assessed by statewide, standardized assessments, the
615 district school board must select the assessments described in
616 sub-subparagraphs (d)1.a.-d. For an instructional personnel
617 employee or school administrator to be eligible for salary
618 adjustment under the performance salary schedule, pursuant to s.
619 1012.22, the student performance component of his or her
620 performance evaluation must be based on an assessment described
621 in sub-subparagraphs (d)1.a.-d. using a methodology determined
622 by the school district pursuant to paragraph (c).

623 (8) RULEMAKING.—No later than August 1, 2015, the State
624 Board of Education shall adopt rules pursuant to ss. 120.536(1)
625 and 120.54 which establish uniform procedures for the
626 submission, review, and approval of district evaluation systems
627 and reporting requirements for the annual evaluation of
628 instructional personnel and school administrators; specific,
629 discrete standards for each performance level required under
630 subsection (2) to ensure clear and sufficient differentiation in
631 the performance levels and to provide consistency in meaning
632 across school districts; the measurement of student learning
633 growth and associated implementation procedures required under
634 subsection (7); and a process for monitoring school district
635 implementation of evaluation systems in accordance with this
636 section. Specifically, the rules shall establish student
637 performance levels that if not met will result in the employee
638 receiving an unsatisfactory performance evaluation rating. In

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639 like manner, the rules shall establish a student performance
640 level that must be met in order for an employee to receive a
641 highly effective rating and a student learning growth standard
642 that must be met in order for an employee to receive an
643 effective rating.

644 Section 7. Section 1012.3401, Florida Statutes, is amended
645 to read:

646 1012.3401 Requirements for measuring student performance in
647 instructional personnel and school administrator performance
648 evaluations; performance evaluation of personnel for purposes of
649 performance salary schedule.—Notwithstanding any provision to
650 the contrary in ss. 1012.22 and 1012.34 regarding the
651 performance salary schedule and personnel evaluation procedures
652 and criteria:

653 (1) At least 33 ~~50~~ percent of a classroom teacher's or
654 school administrator's performance evaluation, ~~or 40 percent if~~
655 ~~less than 3 years of student performance data are available,~~
656 shall be based upon learning growth or achievement of the
657 teacher's students or, for a school administrator, the students
658 attending that school; the remaining portion shall be based upon
659 factors identified in district-determined, state-approved
660 evaluation system plans. Student achievement measures for
661 courses associated with statewide assessments may be used only
662 if a statewide growth formula has not been approved for that
663 assessment or, for courses associated with school district
664 assessments, if achievement is demonstrated to be a more
665 appropriate measure of teacher performance.

666 (2) The student performance data used in the performance
667 evaluation of nonclassroom instructional personnel shall be

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668 based on student outcome data that reflects the actual
669 contribution of such personnel to the performance of the
670 students assigned to the individual in the individual's areas of
671 responsibility.

672 (3) For purposes of the performance salary schedule in s.
673 1012.22, the student assessment data in the performance
674 evaluation must be from statewide assessments or local district-
675 determined assessments pursuant to ss. 1008.22(6) and 1012.34(7)
676 as required in s. 1008.22(6) in the subject areas taught.

677 Section 8. School district contingency plan.-
678 Notwithstanding s. 1008.34(7), Florida Statutes, a school
679 district may, by majority vote of the district school board,
680 request approval from the State Board of Education to waive all
681 requirements and benefits outlined in ss. 1008.34(7), 1008.36,
682 and 1003.621, Florida Statutes, and instead use results from
683 student performance on the new statewide, standardized
684 assessments administered in the 2014-2015 school year pursuant
685 to s. 1008.22, Florida Statutes, for diagnostic and baseline
686 purposes only.

687 (1) A school district's request must be submitted to the
688 Commissioner of Education by the school district superintendent,
689 during the period from the last day of administration of
690 statewide, standardized assessments through June 5, 2015, in
691 accordance with the guidelines established by the commissioner.
692 At a minimum, the request, must include identification of:

693 (a) The scope of the request, to apply either to the school
694 district or to a school or certain schools within the school
695 district. The request must be made at a district or school
696 level. The request may not be made at a grade level, a subject-

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697 area level, or another level.

698 (b) The reason for the request, including a description of
699 the systemic or unique technical implementation failure.

700 Quantifiable data substantiating the reason for such failure
701 must accompany the request. A school district's inability to
702 assess the minimum percentage of students pursuant to ss.
703 1008.34 and 1008.341, Florida Statutes, does not constitute a
704 reasonable justification for requesting the waiver under this
705 section.

706 (c) The school district's corrective action plan, which has
707 been adopted by the district school board, and certification
708 that the identified technical implementation failure must be
709 resolved in time for successful administration of the statewide,
710 standardized assessments during the 2015-2016 school year and
711 each school year thereafter. The district must identify how the
712 district plans to allocate resources and technical assistance
713 that the district needs from the Department of Education to
714 facilitate the district's successful resolution of technical
715 deficiencies.

716 (d) The school district's plan for using the diagnostic
717 data to facilitate continuous improvement in student performance
718 and the effectiveness of schools, instructional personnel, and
719 school administrators; public reporting on the performance of
720 students, schools, and the district; and informing parents about
721 instruction associated with remediation and retention and
722 options available to students including acceleration,
723 graduation, and school choice. The district must also describe
724 its plans for implementing student progression plans,
725 performance evaluations of instructional personnel and school

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726 administrators, performance salary schedule requirements, and
727 other uses as identified by the commissioner.

728 (2) The commissioner shall review each request for a waiver
729 and consult with the applicable school district superintendent.
730 The commissioner shall make, and provide reasons for,
731 recommendations to the State Board of Education regarding
732 granting or denying a request for waiver. The state board may
733 consider recommendations made by the commissioner to approve or
734 deny school district requests. Notwithstanding any other
735 provision of law, the commissioner's recommendation to approve a
736 request may, after consultation with the school district
737 superintendent, include conditional requirements that must apply
738 if approved by the state board. The decision of the state board,
739 including any modifications adopted by the state board, is
740 final.

741 (3) For only the 2014-2015 school year, if a waiver is
742 granted under this section:

743 (a) A school or a school district may not receive a school
744 grade, school improvement rating, or school district grade, as
745 applicable.

746 (b) A school may, at the school district's discretion,
747 choose to use new statewide, standardized assessment results in
748 performance evaluations of instructional personnel and school
749 administrators.

750 (c) A school district shall continue to have its student
751 performance results included in the statewide, standardized
752 assessment results published by the department pursuant to s.
753 1008.22, Florida Statutes.

754 (d) A school shall forfeit eligibility to earn school

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755 recognition funds pursuant to s. 1008.36, Florida Statutes, as
756 provided in the General Appropriations Act.

757 (e) A school district shall forfeit the district's
758 eligibility to earn the designation and benefits associated with
759 high performing school districts pursuant to s. 1003.621,
760 Florida Statutes.

761

762 This section expires July 1, 2016.

763 Section 9. The Office of Program Policy Analysis and
764 Government Accountability (OPPAGA) shall conduct a year-long
765 study, beginning no later than August 1, 2015, to assess the
766 cost-effectiveness of the Department of Education leasing
767 examination questions from the American Institute for Research
768 compared with using questions from an existing examination. No
769 later than December 1, 2016, OPPAGA shall provide a report
770 summarizing the findings of the study to the President of the
771 Senate and the Speaker of the House of Representatives.

772 Section 10. Paragraph (a) of subsection (5) of section
773 1003.4282, Florida Statutes, is amended to read:

774 1003.4282 Requirements for a standard high school diploma.-

775 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-

776 (a) Each year a student scores Level 1 or Level 2 on the
777 statewide, standardized grade 9 or grade 10 Reading assessment
778 or, when implemented, the grade 9 or, grade 10, ~~or grade 11~~ ELA
779 assessment, the student may, as an option to the student, enroll
780 ~~must be enrolled in and complete~~ an intensive remedial course
781 the following year or be placed in a content area course that
782 includes remediation of skills not acquired by the student.

783 Section 11. Paragraph (a) of subsection (1) of section

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784 1003.4285, Florida Statutes, is amended to read:

785 1003.4285 Standard high school diploma designations.—

786 (1) Each standard high school diploma shall include, as
787 applicable, the following designations if the student meets the
788 criteria set forth for the designation:

789 (a) *Scholar designation*.—In addition to the requirements of
790 s. 1003.4282, in order to earn the Scholar designation, a
791 student must satisfy the following requirements:

792 1. ~~English Language Arts (ELA).—Beginning with students~~
793 ~~entering grade 9 in the 2014-2015 school year, pass the~~
794 ~~statewide, standardized grade 11 ELA assessment.~~

795 2. ~~Mathematics~~.—Earn one credit in Algebra II and one
796 credit in statistics or an equally rigorous course. Beginning
797 with students entering grade 9 in the 2014-2015 school year,
798 pass the Algebra II and Geometry statewide, standardized
799 assessments.

800 ~~2.3~~. ~~Science~~.—Pass the statewide, standardized Biology I
801 EOC assessment and earn one credit in chemistry or physics and
802 one credit in a course equally rigorous to chemistry or physics.
803 However, a student enrolled in an Advanced Placement (AP),
804 International Baccalaureate (IB), or Advanced International
805 Certificate of Education (AICE) Biology course who takes the
806 respective AP, IB, or AICE Biology assessment and earns the
807 minimum score necessary to earn college credit as identified
808 pursuant to s. 1007.27(2) meets the requirement of this
809 subparagraph without having to take the statewide, standardized
810 Biology I EOC assessment.

811 ~~3.4~~. ~~Social studies~~.—Pass the statewide, standardized
812 United States History EOC assessment. However, a student

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813 enrolled in an AP, IB, or AICE course that includes United
814 States History topics who takes the respective AP, IB, or AICE
815 assessment and earns the minimum score necessary to earn college
816 credit as identified pursuant to s. 1007.27(2) meets the
817 requirement of this subparagraph without having to take the
818 statewide, standardized United States History EOC assessment.

819 ~~4.5.~~ Foreign language.—Earn two credits in the same foreign
820 language.

821 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
822 Placement, an International Baccalaureate, an Advanced
823 International Certificate of Education, or a dual enrollment
824 course.

825 Section 12. Paragraph (c) of subsection (1) of section
826 1012.22, Florida Statutes, is amended to read:

827 1012.22 Public school personnel; powers and duties of the
828 district school board.—The district school board shall:

829 (1) Designate positions to be filled, prescribe
830 qualifications for those positions, and provide for the
831 appointment, compensation, promotion, suspension, and dismissal
832 of employees as follows, subject to the requirements of this
833 chapter:

834 (c) *Compensation and salary schedules.*—

835 1. Definitions.—As used in this paragraph, the term:

836 a. "Adjustment" means an addition to the base salary
837 schedule that is not a bonus and becomes part of the employee's
838 permanent base salary and shall be considered compensation under
839 s. 121.021(22).

840 b. "Grandfathered salary schedule" means the salary
841 schedule or schedules adopted by a district school board before

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842 July 1, 2014, pursuant to subparagraph 4.

843 c. "Instructional personnel" means instructional personnel
844 as defined in s. 1012.01(2)(a)-(d), excluding substitute
845 teachers.

846 d. "Performance salary schedule" means the salary schedule
847 or schedules adopted by a district school board pursuant to
848 subparagraph 5.

849 e. "Salary schedule" means the schedule or schedules used
850 to provide the base salary for district school board personnel.

851 f. "School administrator" means a school administrator as
852 defined in s. 1012.01(3)(c).

853 g. "Supplement" means an annual addition to the base salary
854 for the term of the negotiated supplement as long as the
855 employee continues his or her employment for the purpose of the
856 supplement. A supplement does not become part of the employee's
857 continuing base salary but shall be considered compensation
858 under s. 121.021(22).

859 2. Cost-of-living adjustment.—A district school board may
860 provide a cost-of-living salary adjustment if the adjustment:

861 a. Does not discriminate among comparable classes of
862 employees based upon the salary schedule under which they are
863 compensated.

864 b. Does not exceed 50 percent of the annual adjustment
865 provided to instructional personnel rated as effective.

866 3. Advanced degrees.—A district school board may not use
867 advanced degrees in setting a salary schedule for instructional
868 personnel or school administrators hired on or after July 1,
869 2011, unless the advanced degree is held in the individual's
870 area of certification and is only a salary supplement.

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871 4. Grandfathered salary schedule.—

872 a. The district school board shall adopt a salary schedule
873 or salary schedules to be used as the basis for paying all
874 school employees hired before July 1, 2014. Instructional
875 personnel on annual contract as of July 1, 2014, shall be placed
876 on the performance salary schedule adopted under subparagraph 5.
877 Instructional personnel on continuing contract or professional
878 service contract may opt into the performance salary schedule if
879 the employee relinquishes such contract and agrees to be
880 employed on an annual contract under s. 1012.335. Such an
881 employee shall be placed on the performance salary schedule and
882 may not return to continuing contract or professional service
883 contract status. Any employee who opts into the performance
884 salary schedule may not return to the grandfathered salary
885 schedule.

886 b. In determining the grandfathered salary schedule for
887 instructional personnel, a district school board must base a
888 portion of each employee's compensation upon performance
889 demonstrated under s. 1012.34 and shall provide differentiated
890 pay for both instructional personnel and school administrators
891 based upon district-determined factors, including, but not
892 limited to, additional responsibilities, school demographics,
893 critical shortage areas, and level of job performance
894 difficulties.

895 5. Performance salary schedule.—By July 1, 2014, the
896 district school board shall adopt a performance salary schedule
897 that provides annual salary adjustments for instructional
898 personnel and school administrators based upon performance
899 determined under s. 1012.34. Employees hired on or after July 1,

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900 2014, or employees who choose to move from the grandfathered
901 salary schedule to the performance salary schedule shall be
902 compensated pursuant to the performance salary schedule once
903 they have received the appropriate performance evaluation for
904 this purpose. However, a classroom teacher whose performance
905 evaluation uses ~~utilizes~~ student learning growth measures
906 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall
907 remain under the grandfathered salary schedule until his or her
908 teaching assignment changes to a subject for which there is a
909 statewide, standardized assessment or district-required local an
910 assessment or the school district establishes equally
911 appropriate measures of student learning growth as defined under
912 s. 1012.34 and rules of the State Board of Education.

913 a. Base salary.—The base salary shall be established as
914 follows:

915 (I) The base salary for instructional personnel or school
916 administrators who opt into the performance salary schedule
917 shall be the salary paid in the prior year, including
918 adjustments only.

919 (II) Beginning July 1, 2014, instructional personnel or
920 school administrators new to the district, returning to the
921 district after a break in service without an authorized leave of
922 absence, or appointed for the first time to a position in the
923 district in the capacity of instructional personnel or school
924 administrator shall be placed on the performance salary
925 schedule.

926 b. Salary adjustments.—Salary adjustments for highly
927 effective or effective performance shall be established as
928 follows:

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929 (I) The annual salary adjustment under the performance
930 salary schedule for an employee rated as highly effective must
931 be greater than the highest annual salary adjustment available
932 to an employee of the same classification through any other
933 salary schedule adopted by the district.

934 (II) The annual salary adjustment under the performance
935 salary schedule for an employee rated as effective must be equal
936 to at least 50 percent and no more than 75 percent of the annual
937 adjustment provided for a highly effective employee of the same
938 classification.

939 (III) The performance salary schedule shall not provide an
940 annual salary adjustment for an employee who receives a rating
941 other than highly effective or effective for the year.

942 c. Salary supplements.—In addition to the salary
943 adjustments, each district school board shall provide for salary
944 supplements for activities that must include, but are not
945 limited to:

946 (I) Assignment to a Title I eligible school.

947 (II) Assignment to a school that earned a grade of "F" or
948 three consecutive grades of "D" pursuant to s. 1008.34 such that
949 the supplement remains in force for at least 1 year following
950 improved performance in that school.

951 (III) Certification and teaching in critical teacher
952 shortage areas. Statewide critical teacher shortage areas shall
953 be identified by the State Board of Education under s. 1012.07.
954 However, the district school board may identify other areas of
955 critical shortage within the school district for purposes of
956 this sub-sub-subparagraph and may remove areas identified by the
957 state board which do not apply within the school district.

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958 (IV) Assignment of additional academic responsibilities.

959

960 If budget constraints in any given year limit a district school
961 board's ability to fully fund all adopted salary schedules, the
962 performance salary schedule may ~~shall~~ not be reduced on the
963 basis of total cost or the value of individual awards in a
964 manner that is proportionally greater than reductions to any
965 other salary schedules adopted by the district.

966 Section 13. This act shall take effect upon becoming a law.