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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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04/02/2015 04:28 PM

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Senator Legg moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (f) of subsection (4) of section  
1001.42, Florida Statutes, is amended to read:

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

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—  
Adopt and provide for the execution of plans for the



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12 establishment, organization, and operation of the schools of the  
13 district, including, but not limited to, the following:

14 (f) *Opening and closing of schools; fixing uniform date.*—

15 Adopt policies for the opening and closing of schools and fix  
16 uniform dates; however, ~~beginning with the 2007-2008 school~~  
17 ~~year,~~ the opening date for schools in the district may not be  
18 earlier than August 10 of 14 days before Labor Day each year.

19 Section 2. Subsection (11) of section 1002.20, Florida  
20 Statutes, is amended to read:

21 1002.20 K-12 student and parent rights.—Parents of public  
22 school students must receive accurate and timely information  
23 regarding their child's academic progress and must be informed  
24 of ways they can help their child to succeed in school. K-12  
25 students and their parents are afforded numerous statutory  
26 rights including, but not limited to, the following:

27 (11) STUDENTS WITH READING DEFICIENCIES. ~~Each elementary~~  
28 ~~school shall regularly assess the reading ability of each K-3~~  
29 ~~student.~~ The parent of any K-3 student who exhibits a reading  
30 deficiency shall be immediately notified of the student's  
31 deficiency with a description and explanation, in terms  
32 understandable to the parent, of the exact nature of the  
33 student's difficulty in learning and lack of achievement in  
34 reading; shall be consulted in the development of a ~~progress~~  
35 ~~monitoring~~ plan, as described in s. 1008.25(4)(b); and shall be  
36 informed that the student will be given intensive reading  
37 instruction until the deficiency is corrected. This subsection  
38 operates in addition to the remediation and notification  
39 provisions contained in s. 1008.25 and in no way reduces the  
40 rights of a parent or the responsibilities of a school district



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41 under that section.

42 Section 3. Subsections (2) and (3) of section 1003.4156,  
43 Florida Statutes, are amended to read:

44 1003.4156 General requirements for middle grades  
45 promotion.—

46 ~~(2) If a middle grades student scores Level 1 or Level 2 on~~  
47 ~~the statewide, standardized Reading assessment or, when~~  
48 ~~implemented, the English Language Arts (ELA) assessment, the~~  
49 ~~following year the student must enroll in and complete a~~  
50 ~~remedial course or a content area course in which remediation~~  
51 ~~strategies are incorporated into course content delivery. The~~  
52 ~~department shall provide guidance on appropriate strategies for~~  
53 ~~diagnosing and meeting the varying instructional needs of~~  
54 ~~students performing below grade level.~~

55 ~~(3) If a middle grades student scores Level 1 or Level 2 on~~  
56 ~~the statewide, standardized Mathematics assessment, the~~  
57 ~~following year the student must receive remediation, which may~~  
58 ~~be integrated into the student's required mathematics courses.~~

59 Section 4. Subsection (5) of section 1003.4282, Florida  
60 Statutes, is amended to read:

61 1003.4282 Requirements for a standard high school diploma.—

62 ~~(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—~~

63 ~~(a) Each year a student scores Level 1 or Level 2 on the~~  
64 ~~statewide, standardized grade 9 or grade 10 Reading assessment~~  
65 ~~or, when implemented, the grade 9, grade 10, or grade 11 ELA~~  
66 ~~assessment, the student must be enrolled in and complete an~~  
67 ~~intensive remedial course the following year or be placed in a~~  
68 ~~content area course that includes remediation of skills not~~  
69 ~~acquired by the student.~~



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70           ~~(b) Each year a student scores Level 1 or Level 2 on the~~  
71 ~~statewide, standardized Algebra I EOC assessment, the student~~  
72 ~~must be enrolled in and complete an intensive remedial course~~  
73 ~~the following year or be placed in a content area course that~~  
74 ~~includes remediation of skills not acquired by the student.~~

75           Section 5. Paragraph (a) of subsection (1) of section  
76 1003.4285, Florida Statutes, is amended to read:

77           1003.4285 Standard high school diploma designations.—

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

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

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

87           ~~1.2.~~ Mathematics.—Earn one credit in Algebra II and one  
88 credit in statistics or an equally rigorous course. Beginning  
89 with students entering grade 9 in the 2014-2015 school year,  
90 pass the Algebra II and Geometry statewide, standardized  
91 assessments.

92           ~~2.3.~~ Science.—Pass the statewide, standardized Biology I  
93 EOC assessment and earn one credit in chemistry or physics and  
94 one credit in a course equally rigorous to chemistry or physics.  
95 However, a student enrolled in an Advanced Placement (AP),  
96 International Baccalaureate (IB), or Advanced International  
97 Certificate of Education (AICE) Biology course who takes the  
98 respective AP, IB, or AICE Biology assessment and earns the



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99 minimum score necessary to earn college credit as identified  
100 pursuant to s. 1007.27(2) meets the requirement of this  
101 subparagraph without having to take the statewide, standardized  
102 Biology I EOC assessment.

103 ~~3.4.~~ Social studies.—Pass the statewide, standardized  
104 United States History EOC assessment. However, a student  
105 enrolled in an AP, IB, or AICE course that includes United  
106 States History topics who takes the respective AP, IB, or AICE  
107 assessment and earns the minimum score necessary to earn college  
108 credit as identified pursuant to s. 1007.27(2) meets the  
109 requirement of this subparagraph without having to take the  
110 statewide, standardized United States History EOC assessment.

111 ~~4.5.~~ Foreign language.—Earn two credits in the same foreign  
112 language.

113 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced  
114 Placement, an International Baccalaureate, an Advanced  
115 International Certificate of Education, or a dual enrollment  
116 course.

117 Section 6. Paragraph (k) of subsection (2) of section  
118 1003.621, Florida Statutes, is redesignated as paragraph (l),  
119 and a new paragraph (k) is added to that subsection, to read:

120 1003.621 Academically high-performing school districts.—It  
121 is the intent of the Legislature to recognize and reward school  
122 districts that demonstrate the ability to consistently maintain  
123 or improve their high-performing status. The purpose of this  
124 section is to provide high-performing school districts with  
125 flexibility in meeting the specific requirements in statute and  
126 rules of the State Board of Education.

127 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically



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128 high-performing school district shall comply with all of the  
129 provisions in chapters 1000-1013, and rules of the State Board  
130 of Education which implement these provisions, pertaining to the  
131 following:

132 (k) Section 1001.42(4)(f), relating to the uniform opening  
133 date of public schools.

134 Section 7. Subsections (1), (3), (4), and (6) of section  
135 1008.22, Florida Statutes, are amended, subsections (7) through  
136 (11) are redesignated as subsections (8) through (12),  
137 respectively, and a new subsection (7) is added to that section,  
138 to read:

139 1008.22 Student assessment program for public schools.—

140 (1) PURPOSE.—The primary purpose of the student assessment  
141 program is to provide student academic achievement and learning  
142 gains data to students, parents, teachers, school  
143 administrators, and school district staff. This data is to be  
144 used by districts to improve instruction; by students, parents,  
145 and teachers to guide learning objectives; by education  
146 researchers to assess national and international education  
147 comparison data; and by the public to assess the cost benefit of  
148 the expenditure of taxpayer dollars. The program must be  
149 designed to:

150 (f) When available, provide instructional personnel with  
151 information on student achievement of standards and benchmarks  
152 in order to improve instruction.

153 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
154 Commissioner of Education shall design and implement a  
155 statewide, standardized assessment program aligned to the core  
156 curricular content established in the Next Generation Sunshine



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157 State Standards. The commissioner also must develop or select  
158 and implement a common battery of assessment tools that will be  
159 used in all juvenile justice education programs in the state.  
160 These tools must accurately measure the core curricular content  
161 established in the Next Generation Sunshine State Standards.  
162 Participation in the assessment program is mandatory for all  
163 school districts and all students attending public schools,  
164 including adult students seeking a standard high school diploma  
165 under s. 1003.4282 and students in Department of Juvenile  
166 Justice education programs, except as otherwise provided by law.  
167 If a student does not participate in the assessment program, the  
168 school district must notify the student's parent and provide the  
169 parent with information regarding the implications of such  
170 nonparticipation. The statewide, standardized assessment program  
171 shall be designed and implemented as follows:

172       (a) *Statewide, standardized comprehensive assessments.*—The  
173 statewide, standardized Reading assessment shall be administered  
174 annually in grades 3 through 10. The statewide, standardized  
175 Writing assessment shall be administered annually at least once  
176 at the elementary, middle, and high school levels. When the  
177 Reading and Writing assessments are replaced by English Language  
178 Arts (ELA) assessments, ELA assessments shall be administered to  
179 students in grades 3 through 10 ~~11~~. Retake opportunities for the  
180 grade 10 Reading assessment or, upon implementation, the grade  
181 10 ELA assessment must be provided. Students taking the ELA  
182 assessments shall not take the statewide, standardized  
183 assessments in Reading or Writing. ELA assessments shall be  
184 administered online. The statewide, standardized Mathematics  
185 assessments shall be administered annually in grades 3 through



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186 8. Students taking a revised Mathematics assessment shall not  
187 take the discontinued assessment. The statewide, standardized  
188 Science assessment shall be administered annually at least once  
189 at the elementary and middle grades levels. In order to earn a  
190 standard high school diploma, a student who has not earned a  
191 passing score on the grade 10 Reading assessment or, upon  
192 implementation, the grade 10 ELA assessment must earn a passing  
193 score on the assessment retake or earn a concordant score as  
194 authorized under subsection (8) ~~(7)~~.

195 (b) *End-of-course (EOC) assessments.*—EOC assessments must  
196 be statewide, standardized, and developed or approved by the  
197 Department of Education as follows:

198 1. EOC assessments for Algebra I, Geometry, Algebra II,  
199 Biology I, United States History, and Civics shall be  
200 administered to students enrolled in such courses as specified  
201 in the course code directory ~~Statewide, standardized EOC~~  
202 ~~assessments in mathematics shall be administered according to~~  
203 ~~this subparagraph. Beginning with the 2010-2011 school year, all~~  
204 ~~students enrolled in Algebra I must take the Algebra I EOC~~  
205 ~~assessment. Except as otherwise provided in paragraph (c),~~  
206 ~~beginning with students entering grade 9 in the 2011-2012 school~~  
207 ~~year, a student who is enrolled in Algebra I must earn a passing~~  
208 ~~score on the Algebra I EOC assessment or attain a comparative~~  
209 ~~score as authorized under subsection (8) in order to earn a~~  
210 ~~standard high school diploma. In order to earn a standard high~~  
211 ~~school diploma, a student who has not earned a passing score on~~  
212 ~~the Algebra I EOC assessment must earn a passing score on the~~  
213 ~~assessment retake or a comparative score as authorized under~~  
214 ~~subsection (8). Beginning with the 2011-2012 school year, all~~





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215 ~~students enrolled in Geometry must take the Geometry EOC~~  
216 ~~assessment. Middle grades students enrolled in Algebra I,~~  
217 ~~Geometry, or Biology I must take the statewide, standardized EOC~~  
218 ~~assessment for those courses and shall not take the~~  
219 ~~corresponding subject and grade-level statewide, standardized~~  
220 ~~assessment. When a statewide, standardized EOC assessment in~~  
221 ~~Algebra II is administered, all students enrolled in Algebra II~~  
222 ~~must take the EOC assessment. Pursuant to the commissioner's~~  
223 ~~implementation schedule, student performance on the Algebra II~~  
224 ~~EOC assessment constitutes 30 percent of a student's final~~  
225 ~~course grade.~~

226 ~~2. Statewide, standardized EOC assessments in science shall~~  
227 ~~be administered according to this subparagraph. Beginning with~~  
228 ~~the 2011-2012 school year, all students enrolled in Biology I~~  
229 ~~must take the Biology I EOC assessment. Beginning with students~~  
230 ~~entering grade 9 in the 2013-2014 school year, performance on~~  
231 ~~the Biology I EOC assessment constitutes 30 percent of the~~  
232 ~~student's final course grade.~~

233 ~~2.3. Students enrolled in a course, as specified in the~~  
234 ~~course code directory, with an associated statewide,~~  
235 ~~standardized EOC assessment must take the EOC assessment for~~  
236 ~~such course and may not take the corresponding subject or grade-~~  
237 ~~level statewide, standardized assessment pursuant to paragraph~~  
238 ~~(a). Sections 1003.4156 and 1003.4282 govern the use of~~  
239 ~~statewide, standardized EOC assessment results for students~~  
240 ~~Beginning with the 2013-2014 school year, each student's~~  
241 ~~performance on the statewide, standardized middle grades Civics~~  
242 ~~EOC assessment constitutes 30 percent of the student's final~~  
243 ~~course grade in civics education.~~



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244       ~~3.4.~~ The commissioner may select one or more nationally  
245 developed comprehensive examinations, which may include  
246 examinations for a College Board Advanced Placement course,  
247 International Baccalaureate course, or Advanced International  
248 Certificate of Education course, or industry-approved  
249 examinations to earn national industry certifications identified  
250 in the Industry Certification Funding List, for use as EOC  
251 assessments under this paragraph if the commissioner determines  
252 that the content knowledge and skills assessed by the  
253 examinations meet or exceed the grade-level expectations for the  
254 core curricular content established for the course in the Next  
255 Generation Sunshine State Standards. Use of any such examination  
256 as an EOC assessment must be approved by the state board in  
257 rule.

258       ~~4.5.~~ Contingent upon funding provided in the General  
259 Appropriations Act, including the appropriation of funds  
260 received through federal grants, the commissioner may establish  
261 an implementation schedule for the development and  
262 administration of additional statewide, standardized EOC  
263 assessments that must be approved by the state board in rule. If  
264 approved by the state board, student performance on such  
265 assessments constitutes 30 percent of a student's final course  
266 grade.

267       ~~5.6.~~ All statewide, standardized EOC assessments must be  
268 administered online except as otherwise provided in paragraph  
269 (c).

270           (c) *Students with disabilities; Florida Alternate*  
271 *Assessment.*—

272           1. Each district school board must provide instruction to



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273 prepare students with disabilities in the core content knowledge  
274 and skills necessary for successful grade-to-grade progression  
275 and high school graduation.

276 2. A student with a disability, as defined in s. 1007.02,  
277 for whom the individual education plan (IEP) team determines  
278 that the statewide, standardized assessments under this section  
279 cannot accurately measure the student's abilities, taking into  
280 consideration all allowable accommodations, shall have  
281 assessment results waived for the purpose of receiving a course  
282 grade and a standard high school diploma. Such waiver shall be  
283 designated on the student's transcript. The statement of waiver  
284 shall be limited to a statement that performance on an  
285 assessment was waived for the purpose of receiving a course  
286 grade or a standard high school diploma, as applicable.

287 3. The State Board of Education shall adopt rules, based  
288 upon recommendations of the commissioner, for the provision of  
289 assessment accommodations for students with disabilities and for  
290 students who have limited English proficiency.

291 a. Accommodations that negate the validity of a statewide,  
292 standardized assessment are not allowed during the  
293 administration of the assessment. However, instructional  
294 accommodations are allowed in the classroom if identified in a  
295 student's IEP. Students using instructional accommodations in  
296 the classroom that are not allowed on a statewide, standardized  
297 assessment may have assessment results waived if the IEP team  
298 determines that the assessment cannot accurately measure the  
299 student's abilities.

300 b. If a student is provided with instructional  
301 accommodations in the classroom that are not allowed as



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302 accommodations for statewide, standardized assessments, the  
303 district must inform the parent in writing and provide the  
304 parent with information regarding the impact on the student's  
305 ability to meet expected performance levels. A parent must  
306 provide signed consent for a student to receive classroom  
307 instructional accommodations that would not be available or  
308 permitted on a statewide, standardized assessment and  
309 acknowledge in writing that he or she understands the  
310 implications of such instructional accommodations.

311 c. If a student's IEP states that online administration of  
312 a statewide, standardized assessment will significantly impair  
313 the student's ability to perform, the assessment shall be  
314 administered in hard copy.

315 4. For students with significant cognitive disabilities,  
316 the Department of Education shall provide for implementation of  
317 the Florida Alternate Assessment to accurately measure the core  
318 curricular content established in the Next Generation Sunshine  
319 State Standards.

320 (d) *Implementation schedule.*—

321 1. The Commissioner of Education shall establish and  
322 publish on the department's website an implementation schedule  
323 to transition from the statewide, standardized Reading and  
324 Writing assessments to the ELA assessments and to the revised  
325 Mathematics assessments, including the Algebra I and Geometry  
326 EOC assessments. The schedule must take into consideration  
327 funding, sufficient field and baseline data, access to  
328 assessments, instructional alignment, and school district  
329 readiness to administer the assessments online. All such  
330 assessments must be delivered through computer-based testing,



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331 however, the following assessments must be delivered in a  
332 computer-based format, as follows: the grade 3 ELA assessment,  
333 beginning in the 2017-2018 school year; the grade 3 mathematics  
334 assessment beginning in the 2016-2017 school year; the grade 4  
335 ELA assessment, beginning in the 2015-2016 school year; and the  
336 grade 4 mathematics assessment, beginning in the 2016-2017  
337 school year.

338         2. The Department of Education shall publish minimum and  
339 recommended technology requirements that include specifications  
340 for hardware, software, networking, security, and broadband  
341 capacity to facilitate school district compliance with the  
342 requirement that assessments be administered online.

343         (e) *Assessment scores and achievement levels.*—

344         1. All statewide, standardized EOC assessments and ELA,  
345 mathematics Reading, Writing, and Science assessments shall use  
346 scaled scores and achievement levels. Achievement levels shall  
347 range from 1 through 5, with level 1 being the lowest  
348 achievement level, level 5 being the highest achievement level,  
349 and level 3 indicating satisfactory performance on an  
350 assessment. ~~For purposes of the statewide, standardized Writing~~  
351 ~~assessment, student achievement shall be scored using a scale of~~  
352 ~~1 through 6.~~

353         2. The state board shall designate by rule a passing score  
354 for each statewide, standardized assessment.

355         3. If the commissioner seeks to revise a statewide,  
356 standardized assessment and the revisions require the state  
357 board to modify performance level scores, including the passing  
358 score, the commissioner shall provide a copy of the proposed  
359 scores and implementation plan to the President of the Senate



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360 and the Speaker of the House of Representatives at least 90 days  
361 before submission to the state board for review. Until the state  
362 board adopts the modifications by rule, the commissioner shall  
363 use calculations for scoring the assessment that adjust student  
364 scores on the revised assessment for statistical equivalence to  
365 student scores on the former assessment. The state board shall  
366 adopt by rule the passing score for the revised assessment that  
367 is statistically equivalent to the passing score on the  
368 discontinued assessment for a student who is required to attain  
369 a passing score on the discontinued assessment. The commissioner  
370 may, with approval of the state board, discontinue  
371 administration of the former assessment upon the graduation,  
372 based on normal student progression, of students participating  
373 in the final regular administration of the former assessment. If  
374 the commissioner revises a statewide, standardized assessment  
375 and the revisions require the state board to modify the passing  
376 score, only students taking the assessment for the first time  
377 after the rule is adopted are affected.

378 ~~(f) Assessment schedules and reporting of results. The~~  
379 ~~Commissioner of Education shall establish schedules for the~~  
380 ~~administration of assessments and the reporting of student~~  
381 ~~assessment results. The commissioner shall consider the~~  
382 ~~observance of religious and school holidays when developing the~~  
383 ~~schedule. By August 1 of each year, the commissioner shall~~  
384 ~~notify each school district in writing and publish on the~~  
385 ~~department's website the assessment and reporting schedules for,~~  
386 ~~at a minimum, the school year following the upcoming school~~  
387 ~~year. The assessment and reporting schedules must provide the~~  
388 ~~earliest possible reporting of student assessment results to the~~



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389 ~~school districts. Assessment results for the statewide,~~  
390 ~~standardized Reading assessments, or upon implementation the ELA~~  
391 ~~assessments, and Mathematics assessments, including the EOC~~  
392 ~~assessments in Algebra I and Geometry, must be made available no~~  
393 ~~later than the week of June 8. The administration of the~~  
394 ~~statewide, standardized Writing assessment and the Florida~~  
395 ~~Alternate Assessment may be no earlier than the week of March 1.~~  
396 ~~School districts shall administer assessments in accordance with~~  
397 ~~the schedule established by the commissioner.~~

398 (f) ~~(g)~~ *Prohibited activities.*—A district school board shall  
399 prohibit each public school from suspending a regular program of  
400 curricula for purposes of administering practice assessments or  
401 engaging in other assessment-preparation activities for a  
402 statewide, standardized assessment. However, a district school  
403 board may authorize a public school to engage in the following  
404 assessment-preparation activities:

405 1. Distributing to students sample assessment books and  
406 answer keys published by the Department of Education.

407 2. Providing individualized instruction in assessment-  
408 taking strategies, without suspending the school's regular  
409 program of curricula, for a student who scores Level 1 or Level  
410 2 on a prior administration of an assessment.

411 3. Providing individualized instruction in the content  
412 knowledge and skills assessed, without suspending the school's  
413 regular program of curricula, for a student who scores Level 1  
414 or Level 2 on a prior administration of an assessment or a  
415 student who, through a diagnostic assessment administered by the  
416 school district, is identified as having a deficiency in the  
417 content knowledge and skills assessed.



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418           4. Administering a practice assessment or engaging in other  
419 assessment-preparation activities that are determined necessary  
420 to familiarize students with the organization of the assessment,  
421 the format of assessment items, and the assessment directions or  
422 that are otherwise necessary for the valid and reliable  
423 administration of the assessment, as set forth in rules adopted  
424 by the State Board of Education with specific reference to this  
425 paragraph.

426           (g) ~~(h)~~ *Contracts for assessments.*—

427           1. The commissioner shall provide for the assessments to be  
428 developed or obtained, as appropriate, through contracts and  
429 project agreements with private vendors, public vendors, public  
430 agencies, postsecondary educational institutions, or school  
431 districts. The commissioner may enter into contracts for the  
432 continued administration of the assessments authorized and  
433 funded by the Legislature. Contracts may be initiated in 1  
434 fiscal year and continue into the next fiscal year and may be  
435 paid from the appropriations of either or both fiscal years. The  
436 commissioner may negotiate for the sale or lease of tests,  
437 scoring protocols, test scoring services, and related materials  
438 developed pursuant to law.

439           2. A student's performance results on statewide,  
440 standardized assessments, EOC assessments, and Florida  
441 Alternative Assessments administered pursuant to this subsection  
442 must be provided to the student's teachers and parents by the  
443 end of the school year, unless the commissioner determines that  
444 extenuating circumstances exist and reports the extenuating  
445 circumstances to the State Board of Education. This subparagraph  
446 does not apply to existing contracts for such assessments, but





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447 shall apply to new contracts and any renewal of existing  
448 contracts for such assessments.

449 3. If liquidated damages are applicable, the department  
450 shall collect liquidated damages that are due in response to the  
451 administration of the spring 2015 computer-based assessments of  
452 the department's Florida Standards Assessment contract with  
453 American Institutes for Research, and expend the funds to  
454 reimburse parties that incurred damages.

455 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED  
456 ASSESSMENT PROGRAM PROGRAMS.—Each public school shall  
457 participate in the statewide, standardized assessment program in  
458 accordance with the assessment and reporting schedules and the  
459 minimum and recommended technology requirements published by the  
460 Commissioner of Education. District school boards shall not  
461 establish school calendars that conflict with or jeopardize  
462 implementation of the assessment program. All district school  
463 boards shall report assessment results using ~~as required by~~ the  
464 state management information system. Performance data shall be  
465 analyzed and reported to parents, the community, and the state.  
466 Student performance data shall be used by districts in  
467 developing objectives for the school improvement plan,  
468 evaluating instructional personnel and administrative personnel,  
469 assigning staff, allocating resources, acquiring instructional  
470 materials and technology, implementing performance-based  
471 budgeting, and promoting and assigning students to educational  
472 programs. The analysis of student performance data must also  
473 identify strengths and needs in the educational program and  
474 trends over time. The analysis must be used in conjunction with  
475 the budgetary planning processes developed pursuant to s.



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476 1008.385 and the development of remediation programs.

477 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE  
478 STANDARDS ASSESSMENTS.—

479 (a) Measurement of student performance is the  
480 responsibility of school districts ~~in all subjects and grade~~  
481 ~~levels,~~ except in those subjects and grade levels measured under  
482 the statewide, standardized assessment program described in this  
483 section, ~~is the responsibility of the school districts.~~ When  
484 available, instructional personnel must be provided with  
485 information on student achievement of standards and benchmarks  
486 in order to improve instruction.

487 ~~(b) Except for those subjects and grade levels measured~~  
488 ~~under the statewide, standardized assessment program, beginning~~  
489 ~~with the 2014-2015 school year, each school district shall~~  
490 ~~administer for each course offered in the district a local~~  
491 ~~assessment that measures student mastery of course content at~~  
492 ~~the necessary level of rigor for the course. As adopted pursuant~~  
493 ~~to State Board of Education rule, course content is set forth in~~  
494 ~~the state standards required by s. 1003.41 and in the course~~  
495 ~~description. Local assessments may include:~~

496 1. ~~Statewide assessments.~~

497 2. ~~Other standardized assessments, including nationally~~  
498 ~~recognized standardized assessments.~~

499 3. ~~Industry certification assessments.~~

500 4. ~~District-developed or district-selected end-of-course~~  
501 ~~assessments.~~

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

503 (c) ~~Each district school board must adopt policies for~~  
504 ~~selection, development, administration, and scoring of local~~



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505 ~~assessments and for collection of assessment results. Local~~  
506 ~~assessments implemented under subparagraphs (b)4. and 5. may~~  
507 ~~include a variety of assessment formats, including, but not~~  
508 ~~limited to, project-based assessments, adjudicated performances,~~  
509 ~~and practical application assignments. For all English Language~~  
510 ~~Arts, mathematics, science, and social studies courses offered~~  
511 ~~in the district that are used to meet graduation requirements~~  
512 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~  
513 ~~not otherwise assessed by statewide, standardized assessments,~~  
514 ~~the district school board must select the assessments described~~  
515 ~~in subparagraphs (b)1.-4.~~

516 ~~(b)(d)~~ The Commissioner of Education shall ~~identify methods~~  
517 ~~to~~ assist and support districts in measuring student performance  
518 on the state standards by maintaining a statewide the  
519 ~~development and acquisition of assessments required under this~~  
520 ~~subsection. Methods may include developing item bank banks,~~  
521 ~~facilitating the sharing of developed tests or test items among~~  
522 ~~school districts, acquiring assessments from state and national~~  
523 ~~curriculum-area organizations, and providing technical~~  
524 ~~assistance in best assessment professional practices. The~~  
525 ~~commissioner may discontinue the item bank if he or she~~  
526 ~~determines that district participation is insufficient for its~~  
527 ~~sustainability of test development based upon state-adopted~~  
528 ~~curriculum standards, administration, and security.~~

529 ~~(c)~~ Each school district shall establish schedules for the  
530 ~~administration of any district-mandated assessment and approve~~  
531 ~~the schedules as an agenda item at a district school board~~  
532 ~~meeting. The school district shall publish the testing schedules~~  
533 ~~on its website, clearly specifying the district-mandated~~



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534 ~~assessments, and report the schedules to the Department of~~  
535 ~~Education by October 1 of each year.~~

536 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

537 (a) The Commissioner of Education shall establish schedules  
538 for the administration of statewide, standardized assessments  
539 and the reporting of student assessment results. The  
540 commissioner shall consider the observance of religious and  
541 school holidays when developing the schedules. The assessment  
542 and reporting schedules must provide the earliest possible  
543 reporting of student assessment results to the school districts,  
544 consistent with the requirements of paragraph (3)(g). Assessment  
545 results for the statewide, standardized ELA and mathematics  
546 assessments and all statewide, standardized EOC assessments must  
547 be made available no later than the week of June 8, except for  
548 results of assessments administered in the 2014-2015 school  
549 year. School districts shall administer statewide, standardized  
550 assessments in accordance with the schedule established by the  
551 commissioner.

552 (b) By August of each year, beginning in 2016, the  
553 commissioner shall publish on the department's website a uniform  
554 calendar that includes the assessment and reporting schedules  
555 for, at a minimum, the next 2 school years. The uniform calendar  
556 must be provided to school districts in an electronic format  
557 that allows each school district and public school to populate  
558 the calendar with, at minimum, the following information for  
559 reporting the district assessment schedules under paragraph (c):

560 1. Whether the assessment is a district-required assessment  
561 or a state-required assessment.

562 2. The specific date or dates that each assessment will be



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563 administered.

564 3. The time allotted to administer each assessment.

565 4. Whether the assessment is a computer-based assessment or  
566 a paper-based assessment.

567 5. The grade level or subject area associated with the  
568 assessment.

569 6. The date that the assessment results are expected to be  
570 available to teachers and parents.

571 7. The type of assessment, the purpose of the assessment,  
572 and the use of the assessment results.

573 8. A glossary of assessment terminology.

574 9. Estimates of average time for administering state-  
575 required and district-required assessments, by grade level.

576 (c) Each school district shall establish schedules for the  
577 administration of any statewide, standardized assessments and  
578 district-required assessments and approve the schedules as an  
579 agenda item at a district school board meeting. Each school  
580 district shall publish the testing schedules on its website  
581 using the uniform calendar, including all information required  
582 under paragraph (b), and submit the schedules to the Department  
583 of Education by October 1 of each year. Each public school shall  
584 publish schedules for statewide, standardized assessments and  
585 district-required assessments on its website using the uniform  
586 calendar, including all information required under paragraph  
587 (b). The uniform calendar must be included in the parent guide  
588 required by s. 1002.23(5).

589 (d) A school district may not schedule more than 5 percent  
590 of a student's total school hours in a school year to administer  
591 statewide, standardized assessments and district-required local



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592 assessments. The district must secure written consent from a  
593 student's parent before administering district-required local  
594 assessments that, after applicable statewide, standardized are  
595 scheduled, exceed the 5 percent test administration limit for  
596 that student under this paragraph. The 5 percent test  
597 administration limit for a student under this paragraph may be  
598 exceeded as needed to provide test accommodations that are  
599 required by an IEP or are appropriate for an English language  
600 learner who is currently receiving services in a program  
601 operated in accordance with an approved English language learner  
602 district plan pursuant to s. 1003.56. Notwithstanding this  
603 paragraph, a student may choose within a school year to take an  
604 examination or assessment adopted by State Board of Education  
605 rule pursuant to this section and ss. 1007.27, 1008.30, and  
606 1008.44.

607 (e) A statewide, standardized EOC assessment must be used  
608 as the final cumulative examination for its associated course.  
609 No additional final assessment may be administered in a course  
610 with a statewide, standardized EOC assessment. A district-  
611 required local assessment may be used as the final cumulative  
612 examination for its associated course in accordance with the  
613 school district's policy.

614 (f) A school district must provide a student's performance  
615 results on district-required local assessments to the student's  
616 teachers and parents no later than 30 days after administering  
617 such assessments, unless the superintendent determines in  
618 writing that extenuating circumstances exist and reports the  
619 extenuating circumstances to the district school board.

620 (g) The State Board of Education shall adopt rules for the



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621 development of the uniform calendar that, at minimum, define  
622 terms that must be used in the calendar to describe various  
623 assessments, including the terms "summative assessment,"  
624 "formative assessment," and "interim assessment."

625 Section 8. Subsection (3) of section 1008.24, Florida  
626 Statutes, is amended to read:

627 1008.24 Test administration and security; public records  
628 exemption.—

629 (3) (a) A school district may contract with qualified  
630 contractors to administer and proctor statewide, standardized  
631 assessments required under s. 1008.22 or assessments associated  
632 with Florida approved courses under s. 1003.499, as approved by  
633 the Department of Education in accordance with rules of the  
634 State Board of Education. Assessments may be administered or  
635 proctored by qualified contractors at sites that meet criteria  
636 established by rules of the State Board of Education and adopted  
637 pursuant to ss. 120.536(1) and 120.54 to implement the  
638 contracting requirements of this subsection.

639 (b) A school district may use district employees, such as  
640 education paraprofessionals as described in s. 1012.37, to  
641 administer and proctor statewide, standardized assessments  
642 required under s. 1008.22 or assessments associated with Florida  
643 approved courses under s. 1003.499, in accordance with this  
644 section and related rules adopted by the State Board of  
645 Education. The rules must establish training requirements that  
646 must be successfully completed by district employees prior to  
647 the employees performing duties pursuant this paragraph.

648 Section 9. Section 1008.25, Florida Statutes, is amended to  
649 read:



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650 1008.25 Public school student progression; student support  
651 ~~remedial instruction~~; reporting requirements.-

652 (1) INTENT.—It is the intent of the Legislature that each  
653 student's progression from one grade to another be determined,  
654 in part, upon satisfactory performance in English Language arts,  
655 social studies, ~~reading, writing,~~ science, and mathematics; that  
656 district school board policies facilitate student achievement;  
657 that each student and his or her parent be informed of that  
658 student's academic progress; and that students have access to  
659 educational options that provide academically challenging  
660 coursework or accelerated instruction pursuant to s. 1002.3105.

661 (2) ~~COMPREHENSIVE~~ STUDENT PROGRESSION PLAN.—Each district  
662 school board shall establish a comprehensive plan for student  
663 progression which must provide for a student's progression from  
664 one grade to another based on the student's mastery of the  
665 standards in s. 1003.41, specifically English language arts,  
666 mathematics, science, and social studies standards. The plan  
667 must:

668 (a) Include criteria that emphasizes student reading  
669 proficiency in kindergarten through grade 3 and provide targeted  
670 instructional support for students with identified deficiencies  
671 in English language arts, mathematics, science, and social  
672 studies. High schools shall use all available assessment  
673 results, including the results of statewide, standardized  
674 English Language Arts assessments and end-of-course assessments  
675 for Algebra I and Geometry, to advise students of any identified  
676 deficiencies and to provide appropriate postsecondary  
677 preparatory instruction before high school graduation. The  
678 results of evaluations used to monitor a student's progress in





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679 grades K-12 must be provided to the student's teacher in a  
680 timely manner and as otherwise required by law. Thereafter,  
681 evaluation results must be provided to the student's parent in a  
682 timely manner. When available, instructional personnel must be  
683 provided with information on student achievement of standards  
684 and benchmarks in order to improve instruction.

685 ~~(a) Provide standards for evaluating each student's~~  
686 ~~performance, including how well he or she masters the~~  
687 ~~performance standards approved by the State Board of Education.~~

688 ~~(b) Provide specific levels of performance in reading,~~  
689 ~~writing, science, and mathematics for each grade level,~~  
690 ~~including the levels of performance on statewide assessments as~~  
691 ~~defined by the commissioner, below which a student must receive~~  
692 ~~remediation or be retained within an intensive program that is~~  
693 ~~different from the previous year's program and that takes into~~  
694 ~~account the student's learning style.~~

695 ~~(c) Provide appropriate alternative placement for a student~~  
696 ~~who has been retained 2 or more years.~~

697 (b)~~(d)~~1. List the student eligibility and procedural  
698 requirements established by the school district for whole-grade  
699 promotion, midyear promotion, and subject-matter acceleration  
700 that would result in a student attending a different school,  
701 pursuant to s. 1002.3105(2) (b).

702 2. Notify parents and students of the school district's  
703 process by which a parent may request student participation in  
704 whole-grade promotion, midyear promotion, or subject-matter  
705 acceleration that would result in a student attending a  
706 different school, pursuant to s. 1002.3105(4) (b)2.

707 (c)~~(e)~~1. Advise parents and students that additional ACCEL



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708 options may be available at the student's school, pursuant to s.  
709 1002.3105.

710 2. Advise parents and students to contact the principal at  
711 the student's school for information related to student  
712 eligibility requirements for whole-grade promotion, midyear  
713 promotion, and subject-matter acceleration when the promotion or  
714 acceleration occurs within the principal's school; virtual  
715 instruction in higher grade level subjects; and any other ACCEL  
716 options offered by the principal, pursuant to s.  
717 1002.3105(2) (a).

718 3. Advise parents and students to contact the principal at  
719 the student's school for information related to the school's  
720 process by which a parent may request student participation in  
721 whole-grade promotion, midyear promotion, and subject-matter  
722 acceleration when the promotion or acceleration occurs within  
723 the principal's school; virtual instruction in higher grade  
724 level subjects; and any other ACCEL options offered by the  
725 principal, pursuant to s. 1002.3105(4) (b)1.

726 (d)~~(f)~~ Advise parents and students of the early graduation  
727 options under s. 1003.4281.

728 (e)~~(g)~~ List, or incorporate by reference, all dual  
729 enrollment courses contained within the dual enrollment  
730 articulation agreement established pursuant to s. 1007.271(21).

731 (f)~~(h)~~ Provide instructional sequences by which students in  
732 kindergarten through high school may attain progressively higher  
733 levels of skill in the use of digital tools and applications.  
734 The instructional sequences must include participation in  
735 curricular and instructional options and the demonstration of  
736 competence of standards required pursuant to ss. 1003.41 and



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737 1003.4203 through attainment of industry certifications and  
738 other means of demonstrating credit requirements identified  
739 under ss. 1002.3105, 1003.4203, and 1003.4282.

740 (3) ALLOCATION OF RESOURCES.—District school boards shall  
741 allocate remedial and supplemental instruction resources to  
742 students in the following priority:

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

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

748 (4) ASSESSMENT AND SUPPORT ~~REMEDATION~~.—

749 (a) Each student must participate in the statewide,  
750 standardized assessment program required by s. 1008.22. Each  
751 student who does not achieve a meet specific levels of  
752 ~~performance on the required assessments as determined by the~~  
753 ~~district school board or who scores below Level 3 or above~~ on  
754 the statewide, standardized Reading ~~assessment or, upon~~  
755 ~~implementation, the English Language Arts assessment, or on the~~  
756 statewide, standardized Mathematics assessment, or assessments  
757 ~~in grades 3 through 8 and the Algebra I EOC assessment must be~~  
758 evaluated ~~provided with additional diagnostic assessments to~~  
759 determine the nature of the student's difficulty, the areas of  
760 academic need, and strategies for providing academic supports to  
761 improve the student's performance ~~appropriate intervention and~~  
762 ~~instruction as described in paragraph (b).~~

763 (b) ~~The school in which the student is enrolled must~~  
764 ~~develop, in consultation with the student's parent, and must~~  
765 ~~implement a progress monitoring plan. A progress monitoring plan~~



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766 ~~is intended to provide the school district and the school~~  
767 ~~flexibility in meeting the academic needs of the student and to~~  
768 ~~reduce paperwork.~~ A student who is not meeting the school  
769 district or state requirements for satisfactory performance in  
770 English Language Arts and mathematics must proficiency in  
771 ~~reading and mathematics shall~~ be covered by one of the following  
772 plans ~~to target instruction and identify ways to improve his or~~  
773 ~~her academic achievement:~~

774 1. A federally required student plan such as an individual  
775 education plan;

776 2. A schoolwide system of progress monitoring for all  
777 students, except a student who scores Level 4 or above on the  
778 English Language Arts and mathematics assessments may be  
779 exempted from participation by the principal; or

780 3. An individualized progress monitoring plan.

781  
782 ~~The plan chosen must be designed to assist the student or the~~  
783 ~~school in meeting state and district expectations for~~  
784 ~~proficiency. If the student has been identified as having a~~  
785 ~~deficiency in reading, the K-12 comprehensive reading plan~~  
786 ~~required by s. 1011.62(9) shall include instructional and~~  
787 ~~support services to be provided to meet the desired levels of~~  
788 ~~performance. District school boards may require low-performing~~  
789 ~~students to attend remediation programs held before or after~~  
790 ~~regular school hours or during the summer if transportation is~~  
791 ~~provided.~~

792 ~~(c) Upon subsequent evaluation, if the documented~~  
793 ~~deficiency has not been remediated, the student may be retained.~~  
794 ~~Each student who does not meet the minimum performance~~



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795 ~~expectations defined by the Commissioner of Education for the~~  
796 ~~statewide assessment tests in reading, writing, science, and~~  
797 ~~mathematics must continue to be provided with remedial or~~  
798 ~~supplemental instruction until the expectations are met or the~~  
799 ~~student graduates from high school or is not subject to~~  
800 ~~compulsory school attendance.~~

801 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

802 (a) Any student who exhibits a substantial deficiency in  
803 reading, based upon locally determined or statewide assessments  
804 conducted in kindergarten or grade 1, grade 2, or grade 3, or  
805 through teacher observations, must be given intensive reading  
806 instruction immediately following the identification of the  
807 reading deficiency. The student's reading proficiency must be  
808 monitored and the intensive instruction must continue until the  
809 student demonstrates grade level proficiency in a manner  
810 determined by the district, which may include achieving a Level  
811 3 on the statewide, standardized English Language Arts  
812 assessment reassessed by locally determined assessments or  
813 through teacher observations at the beginning of the grade  
814 following the intensive reading instruction. The student must  
815 continue to be provided with intensive reading instruction until  
816 the reading deficiency is remedied.

817 (b) To be promoted to grade 4, a student must score a Level  
818 2 or higher on the statewide, standardized English Language Arts  
819 assessment required under s. 1008.22 for grade 3. If a student's  
820 reading deficiency is not remedied by the end of grade 3, as  
821 demonstrated by scoring Level 2 or higher on the statewide,  
822 standardized assessment required under s. 1008.22 for grade 3,  
823 the student must be retained.



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

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

829 2. A description of the current services that are provided  
830 to the child.

831 3. A description of the proposed supplemental instructional  
832 services and supports that will be provided to the child that  
833 are designed to remediate the identified area of reading  
834 deficiency.

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

838 5. Strategies for parents to use in helping their child  
839 succeed in reading proficiency.

840 6. That the statewide, standardized English Language Arts  
841 assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not  
842 the sole determiner of promotion and that additional  
843 evaluations, portfolio reviews, and assessments are available to  
844 the child to assist parents and the school district in knowing  
845 when a child is reading at or above grade level and ready for  
846 grade promotion.

847 7. The district's specific criteria and policies for a  
848 portfolio as provided in subparagraph (6)(b)4. and the evidence  
849 required for a student to demonstrate mastery of Florida's  
850 academic standards for English Language Arts. A parent of a  
851 student in grade 3 who is identified anytime during the year as  
852 being at risk of retention may request that the school



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853 immediately begin collecting evidence for a portfolio.

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

858 (6) ELIMINATION OF SOCIAL PROMOTION.—

859 (a) No student may be assigned to a grade level based  
860 solely on age or other factors that constitute social promotion.

861 (b) The district school board may only exempt students from  
862 mandatory retention, as provided in paragraph (5)(b), for good  
863 cause. A student who is promoted to grade 4 with a good cause  
864 exemption shall be provided intensive reading instruction and  
865 intervention that include specialized diagnostic information and  
866 specific reading strategies to meet the needs of each student so  
867 promoted. The school district shall assist schools and teachers  
868 with the implementation of reading strategies for students  
869 promoted with a good cause exemption which research has shown to  
870 be successful in improving reading among students who have  
871 reading difficulties. Good cause exemptions are limited to the  
872 following:

873 1. Limited English proficient students who have had less  
874 than 2 years of instruction in an English for Speakers of Other  
875 Languages program based on the initial date of entry into a  
876 school in the United States.

877 2. Students with disabilities whose individual education  
878 plan indicates that participation in the statewide assessment  
879 program is not appropriate, consistent with the requirements of  
880 s. 1008.212.

881 3. Students who demonstrate an acceptable level of



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882 performance on an alternative standardized reading or English  
883 Language Arts assessment approved by the State Board of  
884 Education.

885 4. A student who demonstrates through a student portfolio  
886 that he or she is performing at least at Level 2 on the  
887 statewide, standardized ~~Reading assessment or, upon~~  
888 ~~implementation, the~~ English Language Arts assessment.

889 5. Students with disabilities who take the statewide,  
890 standardized ~~Reading assessment or, upon implementation, the~~  
891 English Language Arts assessment and who have an individual  
892 education plan or a Section 504 plan that reflects that the  
893 student has received intensive instruction ~~remediation~~ in  
894 reading or English Language Arts for more than 2 years but still  
895 demonstrates a deficiency and was previously retained in  
896 kindergarten, grade 1, grade 2, or grade 3.

897 6. Students who have received intensive reading  
898 intervention for 2 or more years but still demonstrate a  
899 deficiency in reading and who were previously retained in  
900 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
901 years. A student may not be retained more than once in grade 3.

902 7. Students who have received intensive remediation in  
903 reading or English Language Arts for 2 or more years but still  
904 demonstrate a deficiency and who were previously retained in  
905 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
906 years. Intensive instruction for students so promoted must  
907 include an altered instructional day that includes specialized  
908 diagnostic information and specific reading strategies for each  
909 student. The district school board shall assist schools and  
910 teachers to implement reading strategies that research has shown





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911 to be successful in improving reading among low-performing  
912 readers.

913 (c) Requests for good cause exemptions for students from  
914 the mandatory retention requirement as described in  
915 subparagraphs (b)3. and 4. shall be made consistent with the  
916 following:

917 1. Documentation shall be submitted from the student's  
918 teacher to the school principal that indicates that the  
919 promotion of the student is appropriate and is based upon the  
920 student's academic record. In order to minimize paperwork  
921 requirements, such documentation shall consist only of the  
922 existing progress monitoring plan, individual educational plan,  
923 if applicable, report card, or student portfolio.

924 2. The school principal shall review and discuss such  
925 recommendation with the teacher and make the determination as to  
926 whether the student should be promoted or retained. If the  
927 school principal determines that the student should be promoted,  
928 the school principal shall make such recommendation in writing  
929 to the district school superintendent. The district school  
930 superintendent shall accept or reject the school principal's  
931 recommendation in writing.

932 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE  
933 STUDENTS.—

934 (a) Students retained under the provisions of paragraph  
935 (5) (b) must be provided intensive interventions in reading to  
936 ameliorate the student's specific reading deficiency, as  
937 identified by a valid and reliable diagnostic assessment. This  
938 intensive intervention must include effective instructional  
939 strategies, participation in the school district's summer



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940 reading camp, and appropriate teaching methodologies necessary  
941 to assist those students in becoming successful readers, able to  
942 read at or above grade level, and ready for promotion to the  
943 next grade.

944 (b) Each school district shall:

945 1. Provide third grade students who are retained under the  
946 provisions of paragraph (5) (b) with intensive instructional  
947 services and supports to remediate the identified areas of  
948 reading deficiency, including participation in the school  
949 district's summer reading camp as required under paragraph (a)  
950 and a minimum of 90 minutes of daily, uninterrupted,  
951 scientifically research-based reading instruction which includes  
952 phonemic awareness, phonics, fluency, vocabulary, and  
953 comprehension and other strategies prescribed by the school  
954 district, which may include, but are not limited to:

955 a. Integration of science and social studies content within  
956 the 90-minute block.

957 b. Small group instruction.

958 c. Reduced teacher-student ratios.

959 d. More frequent progress monitoring.

960 e. Tutoring or mentoring.

961 f. Transition classes containing 3rd and 4th grade  
962 students.

963 g. Extended school day, week, or year.

964 2. Provide written notification to the parent of a student  
965 who is retained under the provisions of paragraph (5) (b) that  
966 his or her child has not met the proficiency level required for  
967 promotion and the reasons the child is not eligible for a good  
968 cause exemption as provided in paragraph (6) (b). The



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969 notification must comply with the provisions of s. 1002.20(15)  
970 and must include a description of proposed interventions and  
971 supports that will be provided to the child to remediate the  
972 identified areas of reading deficiency.

973         3. Implement a policy for the midyear promotion of a  
974 student retained under the provisions of paragraph (5)(b) who  
975 can demonstrate that he or she is a successful and independent  
976 reader and performing at or above grade level in reading or,  
977 upon implementation of English Language Arts assessments,  
978 performing at or above grade level in English Language Arts.  
979 Tools that school districts may use in reevaluating a student  
980 retained may include subsequent assessments, alternative  
981 assessments, and portfolio reviews, in accordance with rules of  
982 the State Board of Education. Students promoted during the  
983 school year after November 1 must demonstrate proficiency levels  
984 in reading equivalent to the level necessary for the beginning  
985 of grade 4. The rules adopted by the State Board of Education  
986 must include standards that provide a reasonable expectation  
987 that the student's progress is sufficient to master appropriate  
988 grade 4 level reading skills.

989         4. Provide students who are retained under the provisions  
990 of paragraph (5)(b) with a highly effective teacher as  
991 determined by the teacher's performance evaluation under s.  
992 1012.34.

993         5. Establish at each school, when applicable, an Intensive  
994 Acceleration Class for retained grade 3 students who  
995 subsequently score Level 1 on the required statewide,  
996 standardized assessment identified in s. 1008.22. The focus of  
997 the Intensive Acceleration Class shall be to increase a child's



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998 reading and English Language Arts skill level at least two grade  
999 levels in 1 school year. The Intensive Acceleration Class shall:  
1000 a. Be provided to a student in grade 3 who scores Level 1  
1001 on the statewide, standardized ~~Reading assessment or, upon~~  
1002 ~~implementation, the~~ English Language Arts assessment and who was  
1003 retained in grade 3 the prior year because of scoring Level 1.  
1004 b. Have a reduced teacher-student ratio.  
1005 c. Provide uninterrupted reading instruction for the  
1006 majority of student contact time each day and incorporate  
1007 opportunities to master the grade 4 Next Generation Sunshine  
1008 State Standards in other core subject areas.  
1009 d. Use a reading program that is scientifically research-  
1010 based and has proven results in accelerating student reading  
1011 achievement within the same school year.  
1012 e. Provide intensive language and vocabulary instruction  
1013 using a scientifically research-based program, including use of  
1014 a speech-language therapist.  
1015 (8) ANNUAL REPORT.—  
1016 (a) In addition to the requirements in paragraph (5) (b),  
1017 each district school board must annually report to the parent of  
1018 each student the progress of the student toward achieving state  
1019 and district expectations for proficiency in English Language  
1020 Arts, reading, writing, science, social studies, and  
1021 mathematics. The district school board must report to the parent  
1022 the student's results on each statewide, standardized assessment  
1023 ~~test~~. The evaluation of each student's progress must be based  
1024 upon the student's classroom work, observations, tests, district  
1025 and state assessments, and other relevant information. Progress  
1026 reporting must be provided to the parent in writing in a format



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1027 adopted by the district school board.

1028 (b) Each district school board must annually publish on the  
1029 district website and in the local newspaper the following  
1030 information on the prior school year:

1031 1. The provisions of this section relating to public school  
1032 student progression and the district school board's policies and  
1033 procedures on student retention and promotion.

1034 2. By grade, the number and percentage of all students in  
1035 grades 3 through 10 performing at Levels 1 and 2 on the  
1036 statewide, standardized English Language Arts assessment ~~reading~~  
1037 ~~portion of the FCAT.~~

1038 3. By grade, the number and percentage of all students  
1039 retained in kindergarten ~~grades 3~~ through grade 10.

1040 4. Information on the total number of students who were  
1041 promoted for good cause, by each category of good cause as  
1042 specified in paragraph (6) (b).

1043 5. Any revisions to the district school board's policies  
1044 and procedures ~~policy~~ on student retention and promotion from  
1045 the prior year.

1046 (9) RULEMAKING.—The State Board of Education shall adopt  
1047 rules pursuant to ss. 120.536(1) and 120.54 for the  
1048 administration of this section.

1049 Section 10. Subsection (3) of section 1008.30, Florida  
1050 Statutes, is amended to read:

1051 1008.30 Common placement testing for public postsecondary  
1052 education.—

1053 ~~(3) The State Board of Education shall adopt rules that~~  
1054 ~~require high schools to evaluate before the beginning of grade~~  
1055 ~~12 the college readiness of each student who scores Level 2 or~~



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1056 ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~  
1057 ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~  
1058 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~  
1059 ~~schools shall perform this evaluation using results from the~~  
1060 ~~corresponding component of the common placement test prescribed~~  
1061 ~~in this section, or an alternative test identified by the State~~  
1062 ~~Board of Education. The high school shall use the results of the~~  
1063 ~~test to advise the students of any identified deficiencies and~~  
1064 ~~to provide 12th grade students, and require them to complete,~~  
1065 ~~appropriate postsecondary preparatory instruction before high~~  
1066 ~~school graduation. The curriculum provided under this subsection~~  
1067 ~~shall be identified in rule by the State Board of Education and~~  
1068 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~  
1069 ~~elective courses may not be substituted for the selected~~  
1070 ~~postsecondary mathematics, reading, writing, or English Language~~  
1071 ~~Arts preparatory course unless the elective course covers the~~  
1072 ~~same competencies included in the postsecondary mathematics,~~  
1073 ~~reading, writing, or English Language Arts preparatory course.~~

1074 Section 11. Subsection (7) of section 1008.34, Florida  
1075 Statutes, is amended to read:

1076 1008.34 School grading system; school report cards;  
1077 district grade.—

1078 (7) TRANSITION.—School grades pursuant to this section and  
1079 school improvement ratings pursuant to s. 1008.341 for the 2013-  
1080 2014 school year shall be calculated based on statutes and rules  
1081 in effect on June 30, 2014. To assist in the transition to 2014-  
1082 2015 school grades and school improvement ratings, calculated  
1083 based on new statewide, standardized assessments administered  
1084 pursuant to s. 1008.22, the 2014-2015 school grades and school



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1085 improvement ratings shall serve as an informational baseline for  
1086 schools to work toward improved performance in future years.

1087 Accordingly, notwithstanding any other provision of law:

1088 (a) A school may not be required to select and implement a  
1089 turnaround option pursuant to s. 1008.33 in the 2015-2016 school  
1090 year based on the school's 2014-2015 grade or school improvement  
1091 rating under s. 1008.341, as applicable. The benefits of s.  
1092 1008.33(4)(c), relating to a school being released from  
1093 implementation of the turnaround option, and s. 1008.33(4)(d),  
1094 relating to a school implementing strategies identified in its  
1095 school improvement plan, apply to a school using turnaround  
1096 options pursuant to s. 1008.33 which improves at least one  
1097 letter grade during the 2014-2015 school year.

1098 (b)1. A school or approved provider under s. 1002.45 which  
1099 ~~that~~ receives the same or a lower school grade or school  
1100 improvement rating for the 2014-2015 school year compared to the  
1101 2013-2014 school year is not subject to sanctions or penalties  
1102 that would otherwise occur as a result of the 2014-2015 school  
1103 grade or rating. A charter school system or a school district  
1104 designated as high performing may not lose the designation based  
1105 on the 2014-2015 school grades of any of the schools within the  
1106 charter school system or school district, as applicable.

1107 2. The Florida School Recognition Program established under  
1108 s. 1008.36 shall continue to be implemented as otherwise  
1109 provided in the General Appropriations Act.

1110 (c) Until such time as an independent verification of the  
1111 psychometric validity of the statewide, standardized assessments  
1112 first implemented in 2014-2015 is provided, for purposes of  
1113 determining grade 3 English Language Arts student performance



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1114 ~~retention pursuant to s. 1008.25(5)~~ and high school graduation  
1115 requirements pursuant to s. 1003.4282, student performance on  
1116 the 2014-2015 statewide, standardized assessments shall be  
1117 linked to 2013-2014 student performance expectations. Students  
1118 who score in the bottom quintile on the 2014-2015 grade 3  
1119 English Language Arts assessment shall be identified as students  
1120 at risk of retention. School districts must notify parents of  
1121 such students, provide evidence as outlined in s. 1008.25(6)(b),  
1122 and provide the appropriate intervention and support services  
1123 for student success in grade 4.

1124 (d)1. An independent verification of the psychometric  
1125 validity of the statewide, standardized assessments first  
1126 implemented in 2014-2015 must be completed before the 2014-2015  
1127 school grades results may be published and before the student  
1128 performance data resulting from such assessments may be used for  
1129 purposes of instructional personnel and school administrator  
1130 evaluations.

1131 2. The independent entity must be selected by a panel  
1132 consisting of one member appointed by the Governor, one member  
1133 appointed by the President of the Senate, and one member  
1134 appointed by the Speaker of the House of Representatives. In  
1135 selecting the independent entity, the panel must consider, at a  
1136 minimum:

1137 a. The national reputation and length of establishment of  
1138 the entity;

1139 b. The experience and expertise of the independent entity  
1140 in validating such data; and

1141 c. The use of professional standards, codes, and guidelines  
1142 that address applicable practices in the profession, such as the





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1143 Standards for Educational and Psychological Testing.

1144 3. The panel must select the independent entity no later  
1145 than June 1, 2015. Upon selection of the independent entity, the  
1146 Department of Education shall immediately contract with the  
1147 independent entity to perform the independent verification,  
1148 which must be completed by September 1, 2015. This paragraph is  
1149 repealed December 31, 2015.

1150

1151 This subsection is repealed July 1, 2017.

1152 Section 12. Effective July 1, 2016, subsection (6) is added  
1153 to section 1008.36, Florida Statutes, to read:

1154 1008.36 Florida School Recognition Program.—

1155 (6) In addition to funds provided pursuant to subsection  
1156 (4), Title I high schools that receive a school grade of "A" or  
1157 "B," beginning with school grades for the 2015-2016 school year,  
1158 and that have a student population at least 65 percent of which  
1159 is eligible for free or reduced-price meals under the National  
1160 School Lunch Act shall receive financial awards depending on the  
1161 availability of funds appropriated and the number and size of  
1162 schools selected to receive an award.

1163

1164 Notwithstanding statutory provisions to the contrary, incentive  
1165 awards are not subject to collective bargaining.

1166 Section 13. Section 1012.34, Florida Statutes, is amended  
1167 to read:

1168 1012.34 Personnel evaluation procedures and criteria.—

1169 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1170 (a) For the purpose of increasing student academic  
1171 performance by improving the quality of instructional,



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1172 administrative, and supervisory services in the public schools  
1173 of the state, the district school superintendent shall establish  
1174 procedures for evaluating the performance of duties and  
1175 responsibilities of all instructional, administrative, and  
1176 supervisory personnel employed by the school district. The  
1177 district school superintendent shall provide instructional  
1178 personnel the opportunity to review their class rosters for  
1179 accuracy and to correct any mistakes. The district school  
1180 superintendent shall report accurate class rosters for the  
1181 purpose of calculating district and statewide student  
1182 performance and annually report the evaluation results of  
1183 instructional personnel and school administrators to the  
1184 Department of Education in addition to the information required  
1185 under subsection (5).

1186 (b) The department must approve each school district's  
1187 instructional personnel and school administrator evaluation  
1188 systems. The department shall monitor each district's  
1189 implementation of its instructional personnel and school  
1190 administrator evaluation systems for compliance with the  
1191 requirements of this section and ~~s. 1012.3401~~.

1192 (c) Annually, by February ~~December~~ 1, the Commissioner of  
1193 Education shall publish on the department's website ~~report to~~  
1194 ~~the Governor, the President of the Senate, and the Speaker of~~  
1195 ~~the House of Representatives the approval and implementation~~  
1196 status of each school district's instructional personnel and  
1197 school administrator evaluation systems. This information must  
1198 ~~The report shall include:~~

1199 1. Performance evaluation results for the prior school year  
1200 for instructional personnel and school administrators using the



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1201 four levels of performance specified in paragraph (2)(e). The  
1202 performance evaluation results for instructional personnel shall  
1203 be disaggregated by classroom teachers, as defined in s.  
1204 1012.01(2)(a), excluding substitute teachers, and all other  
1205 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

1206 2. An analysis that compares performance evaluation results  
1207 calculated by each school district to indicators of performance  
1208 calculated by the department using the standards for performance  
1209 levels adopted by the state board under subsection (8). ~~The~~  
1210 ~~commissioner shall include in the report each district's~~  
1211 ~~performance-level standards established under subsection (7), a~~  
1212 ~~comparative analysis of the district's student academic~~  
1213 ~~performance results and evaluation results,~~

1214 3. Data reported under s. 1012.341, ~~and the status of any~~  
1215 ~~evaluation system revisions requested by a school district~~  
1216 ~~pursuant to subsection (6).~~

1217 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems  
1218 for instructional personnel and school administrators must:

1219 (a) Be designed to support effective instruction and  
1220 student learning growth, and performance evaluation results must  
1221 be used when developing district and school level improvement  
1222 plans.

1223 (b) Provide appropriate instruments, procedures, timely  
1224 feedback, and criteria for continuous quality improvement of the  
1225 professional skills of instructional personnel and school  
1226 administrators, and performance evaluation results must be used  
1227 when identifying professional development.

1228 (c) Include a mechanism to examine performance data from  
1229 multiple sources, including opportunities for parents to provide



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1230 input into employee performance evaluations when appropriate.

1231 (d) Identify those teaching fields for which special  
1232 evaluation procedures and criteria are necessary.

1233 (e) Differentiate among four levels of performance as  
1234 follows:

1235 1. Highly effective.

1236 2. Effective.

1237 3. Needs improvement or, for instructional personnel in the  
1238 first 3 years of employment who need improvement, developing.

1239 4. Unsatisfactory.

1240

1241 ~~The Commissioner of Education shall consult with experts,~~  
1242 ~~instructional personnel, school administrators, and education~~  
1243 ~~stakeholders in developing the criteria for the performance~~  
1244 ~~levels.~~

1245 (f) Provide for training and monitoring programs ~~that are~~  
1246 based upon guidelines provided by the department to ensure that  
1247 all individuals with evaluation responsibilities understand the  
1248 proper use of the evaluation criteria and procedures.

1249 ~~(g) Include a process for monitoring and evaluating the~~  
1250 ~~effective and consistent use of the evaluation criteria by~~  
1251 ~~employees with evaluation responsibilities.~~

1252 ~~(h) Include a process for monitoring and evaluating the~~  
1253 ~~effectiveness of the system itself in improving instruction and~~  
1254 ~~student learning.~~

1255

1256 In addition, each district school board may establish a peer  
1257 assistance process. This process may be a part of the regular  
1258 evaluation system or used to assist employees placed on



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1259 performance probation, newly hired classroom teachers, or  
1260 employees who request assistance.

1261 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
1262 personnel and school administrator performance evaluations must  
1263 be based upon the performance of students assigned to their  
1264 classrooms or schools, as provided in this section. Pursuant to  
1265 this section, a school district's performance evaluation system  
1266 is not limited to basing unsatisfactory performance of  
1267 instructional personnel and school administrators solely upon  
1268 student performance, but may include other criteria ~~approved~~ to  
1269 evaluate instructional personnel and school administrators'  
1270 performance, or any combination of student performance and other  
1271 ~~approved~~ criteria. Evaluation procedures and criteria must  
1272 comply with, but are not limited to, the following:

1273 (a) A performance evaluation must be conducted for each  
1274 employee at least once a year, except that a classroom teacher,  
1275 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
1276 who is newly hired by the district school board must be observed  
1277 and evaluated at least twice in the first year of teaching in  
1278 the school district. The performance evaluation must be based  
1279 upon sound educational principles and contemporary research in  
1280 effective educational practices. The evaluation criteria must  
1281 include:

1282 1. Performance of students.—At least one-third ~~50 percent~~  
1283 of a performance evaluation must be based upon data and  
1284 indicators of student performance ~~learning growth assessed~~  
1285 ~~annually by statewide assessments or, for subjects and grade~~  
1286 ~~levels not measured by statewide assessments, by school district~~  
1287 ~~assessments as provided in s. 1008.22(6). Each school district~~



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1288 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~  
1289 ~~measuring student learning growth in all courses associated with~~  
1290 ~~statewide assessments and must select an equally appropriate~~  
1291 ~~formula for measuring student learning growth for all other~~  
1292 ~~grades and subjects, except as otherwise provided in accordance~~  
1293 ~~with subsection (7).~~

1294 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~  
1295 ~~excluding substitute teachers, the student learning growth This~~  
1296 ~~portion of the evaluation must include growth or achievement~~  
1297 ~~data of the teacher's students or, for a school administrator,~~  
1298 ~~the students attending the school for students assigned to the~~  
1299 ~~teacher over the course of at least 3 years. If less than 3~~  
1300 ~~years of data are available, the years for which data are~~  
1301 ~~available must be used. The proportion of growth or achievement~~  
1302 ~~data may be determined by instructional assignment and the~~  
1303 ~~percentage of the evaluation based upon student learning growth~~  
1304 ~~may be reduced to not less than 40 percent.~~

1305 ~~b. For instructional personnel who are not classroom~~  
1306 ~~teachers, the student learning growth portion of the evaluation~~  
1307 ~~must include growth data on statewide assessments for students~~  
1308 ~~assigned to the instructional personnel over the course of at~~  
1309 ~~least 3 years, or may include a combination of student learning~~  
1310 ~~growth data and other measurable student outcomes that are~~  
1311 ~~specific to the assigned position, provided that the student~~  
1312 ~~learning growth data accounts for not less than 30 percent of~~  
1313 ~~the evaluation. If less than 3 years of student growth data are~~  
1314 ~~available, the years for which data are available must be used~~  
1315 ~~and the percentage of the evaluation based upon student learning~~  
1316 ~~growth may be reduced to not less than 20 percent.~~



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1317 ~~e. For school administrators, the student learning growth~~  
1318 ~~portion of the evaluation must include growth data for students~~  
1319 ~~assigned to the school over the course of at least 3 years. If~~  
1320 ~~less than 3 years of data are available, the years for which~~  
1321 ~~data are available must be used and the percentage of the~~  
1322 ~~evaluation based upon student learning growth may be reduced to~~  
1323 ~~not less than 40 percent.~~

1324 2. Instructional practice.—For instructional personnel, at  
1325 least one-third of the performance evaluation must be based upon  
1326 instructional practice. Evaluation criteria used when annually  
1327 observing classroom teachers, as defined in s. 1012.01(2)(a),  
1328 excluding substitute teachers, must include indicators based  
1329 upon each of the Florida Educator Accomplished Practices adopted  
1330 by the State Board of Education. For instructional personnel who  
1331 are not classroom teachers, evaluation criteria must be based  
1332 upon indicators of the Florida Educator Accomplished Practices  
1333 and may include specific job expectations related to student  
1334 support.

1335 3. Instructional leadership.—For school administrators, at  
1336 least one-third of the performance evaluation must be based on  
1337 instructional leadership. Evaluation criteria for instructional  
1338 leadership must include indicators based upon each of the  
1339 leadership standards adopted by the State Board of Education  
1340 under s. 1012.986, including performance measures related to the  
1341 effectiveness of classroom teachers in the school, the  
1342 administrator's appropriate use of evaluation criteria and  
1343 procedures, recruitment and retention of effective and highly  
1344 effective classroom teachers, improvement in the percentage of  
1345 instructional personnel evaluated at the highly effective or



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1346 effective level, and other leadership practices that result in  
1347 student learning growth. The system may include a means to give  
1348 parents and instructional personnel an opportunity to provide  
1349 input into the administrator's performance evaluation.

1350 4. Other indicators of performance ~~Professional and job~~  
1351 ~~responsibilities.~~ For instructional personnel and school  
1352 administrators, the remainder of a performance evaluation may  
1353 include, but is not limited to, For instructional personnel and  
1354 ~~school administrators, other~~ professional and job  
1355 responsibilities ~~must be included~~ as recommended ~~adopted~~ by the  
1356 State Board of Education or identified by the district school  
1357 board and, for instructional personnel, peer reviews,  
1358 objectively reliable survey information from students and  
1359 parents based on teaching practices that are consistently  
1360 associated with higher student achievement, and other valid and  
1361 reliable measures of instructional practice. ~~The district school~~  
1362 ~~board may identify additional professional and job~~  
1363 ~~responsibilities.~~

1364 (b) All personnel must be fully informed of the criteria,  
1365 data sources, methodologies, and procedures associated with the  
1366 evaluation process before the evaluation takes place.

1367 (c) The individual responsible for supervising the employee  
1368 must evaluate the employee's performance. The evaluation system  
1369 may provide for the evaluator to consider input from other  
1370 personnel trained under subsection (2) ~~paragraph (2)(f)~~. The  
1371 evaluator must submit a written report of the evaluation to the  
1372 district school superintendent for the purpose of reviewing the  
1373 employee's contract. The evaluator must submit the written  
1374 report to the employee no later than 10 days after the





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1375 evaluation takes place. The evaluator must discuss the written  
1376 evaluation report with the employee. The employee shall have the  
1377 right to initiate a written response to the evaluation, and the  
1378 response shall become a permanent attachment to his or her  
1379 personnel file.

1380 (d) The evaluator may amend an evaluation based upon  
1381 assessment data from the current school year if the data becomes  
1382 available within 90 days after the close of the school year. The  
1383 evaluator must then comply with the procedures set forth in  
1384 paragraph (c).

1385 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an  
1386 employee who holds a professional service contract as provided  
1387 in s. 1012.33 is not performing his or her duties in a  
1388 satisfactory manner, the evaluator shall notify the employee in  
1389 writing of such determination. The notice must describe such  
1390 unsatisfactory performance and include notice of the following  
1391 procedural requirements:

1392 (a) Upon delivery of a notice of unsatisfactory  
1393 performance, the evaluator must confer with the employee who  
1394 holds a professional service contract, make recommendations with  
1395 respect to specific areas of unsatisfactory performance, and  
1396 provide assistance in helping to correct deficiencies within a  
1397 prescribed period of time.

1398 (b)1. The employee who holds a professional service  
1399 contract shall be placed on performance probation and governed  
1400 by the provisions of this section for 90 calendar days following  
1401 the receipt of the notice of unsatisfactory performance to  
1402 demonstrate corrective action. School holidays and school  
1403 vacation periods are not counted when calculating the 90-



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1404 calendar-day period. During the 90 calendar days, the employee  
1405 who holds a professional service contract must be evaluated  
1406 periodically and apprised of progress achieved and must be  
1407 provided assistance and inservice training opportunities to help  
1408 correct the noted performance deficiencies. At any time during  
1409 the 90 calendar days, the employee who holds a professional  
1410 service contract may request a transfer to another appropriate  
1411 position with a different supervising administrator; however, if  
1412 a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),  
1413 it does not extend the period for correcting performance  
1414 deficiencies.

1415         2. Within 14 days after the close of the 90 calendar days,  
1416 the evaluator must evaluate whether the performance deficiencies  
1417 have been corrected and forward a recommendation to the district  
1418 school superintendent. Within 14 days after receiving the  
1419 evaluator's recommendation, the district school superintendent  
1420 must notify the employee who holds a professional service  
1421 contract in writing whether the performance deficiencies have  
1422 been satisfactorily corrected and whether the district school  
1423 superintendent will recommend that the district school board  
1424 continue or terminate his or her employment contract. If the  
1425 employee wishes to contest the district school superintendent's  
1426 recommendation, the employee must, within 15 days after receipt  
1427 of the district school superintendent's recommendation, submit a  
1428 written request for a hearing. The hearing shall be conducted at  
1429 the district school board's election in accordance with one of  
1430 the following procedures:

1431         a. A direct hearing conducted by the district school board  
1432 within 60 days after receipt of the written appeal. The hearing



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1433 shall be conducted in accordance with the provisions of ss.  
1434 120.569 and 120.57. A majority vote of the membership of the  
1435 district school board shall be required to sustain the district  
1436 school superintendent's recommendation. The determination of the  
1437 district school board shall be final as to the sufficiency or  
1438 insufficiency of the grounds for termination of employment; or

1439       b. A hearing conducted by an administrative law judge  
1440 assigned by the Division of Administrative Hearings of the  
1441 Department of Management Services. The hearing shall be  
1442 conducted within 60 days after receipt of the written appeal in  
1443 accordance with chapter 120. The recommendation of the  
1444 administrative law judge shall be made to the district school  
1445 board. A majority vote of the membership of the district school  
1446 board shall be required to sustain or change the administrative  
1447 law judge's recommendation. The determination of the district  
1448 school board shall be final as to the sufficiency or  
1449 insufficiency of the grounds for termination of employment.

1450       (5) ADDITIONAL NOTIFICATIONS.—The district school  
1451 superintendent shall annually notify the department of any  
1452 instructional personnel or school administrators who receive two  
1453 consecutive unsatisfactory evaluations. The district school  
1454 superintendent shall also notify the department of any  
1455 instructional personnel or school administrators who are given  
1456 written notice by the district of intent to terminate or not  
1457 renew their employment. The department shall conduct an  
1458 investigation to determine whether action shall be taken against  
1459 the certificateholder pursuant to s. 1012.795.

1460       (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT  
1461 EVALUATION SYSTEMS.—The district school board shall establish a



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1462 procedure for annually reviewing instructional personnel and  
1463 school administrator evaluation systems to determine compliance  
1464 with this section ~~and s. 1012.3401~~. All substantial revisions to  
1465 an approved system must be reviewed and approved by the district  
1466 school board before being used to evaluate instructional  
1467 personnel or school administrators. Upon request by a school  
1468 district, the department shall provide assistance in developing,  
1469 improving, or reviewing an evaluation system.

1470 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1471 (a) The Commissioner of Education shall approve a formula  
1472 to measure individual student learning growth on the statewide,  
1473 standardized assessments in English Language Arts and  
1474 mathematics administered under s. 1008.22. The formula must take  
1475 into consideration each student's prior academic performance.  
1476 The formula must not set different expectations for student  
1477 learning growth based upon a student's gender, race, ethnicity,  
1478 or socioeconomic status. In the development of the formula, the  
1479 commissioner shall consider other factors such as a student's  
1480 attendance record, disability status, or status as an English  
1481 language learner. The commissioner may ~~shall~~ select additional  
1482 formulas to measure student performance as appropriate for the  
1483 remainder of the statewide, standardized assessments included  
1484 under s. 1008.22 and continue to select formulas as new  
1485 assessments are implemented in the state system. After the  
1486 commissioner approves the formula to measure individual student  
1487 learning growth, the State Board of Education shall adopt these  
1488 formulas in rule.

1489 (b) Each school district shall measure student learning  
1490 growth using the formulas approved by the commissioner under



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1491 paragraph (a) and the standards for performance levels adopted  
1492 by the state board under subsection (8) for courses associated  
1493 with the statewide, standardized assessments administered under  
1494 s. 1008.22 no later than the school year immediately following  
1495 the year the formula is approved by the commissioner. For grades  
1496 and subjects not assessed by statewide, standardized assessments  
1497 ~~but otherwise assessed as required under s. 1008.22(6), each~~  
1498 school district shall measure student performance ~~of students~~  
1499 using a methodology determined by the district. ~~The department~~  
1500 ~~shall provide models for measuring performance of students which~~  
1501 ~~school districts may adopt.~~

1502 ~~(c) For a course that is not measured by a statewide,~~  
1503 ~~standardized assessment, a school district may request, through~~  
1504 ~~the evaluation system approval process, to use a student's~~  
1505 ~~achievement level rather than student learning growth if~~  
1506 ~~achievement is demonstrated to be a more appropriate measure of~~  
1507 ~~classroom teacher performance. A school district may also~~  
1508 ~~request to use a combination of student learning growth and~~  
1509 ~~achievement, if appropriate.~~

1510 ~~(d) For a course that is not measured by a statewide,~~  
1511 ~~standardized assessment, a school district may request, through~~  
1512 ~~the evaluation system approval process, that the performance~~  
1513 ~~evaluation for the classroom teacher assigned to that course~~  
1514 ~~include the learning growth of his or her students on one or~~  
1515 ~~more statewide, standardized assessments. The request must~~  
1516 ~~clearly explain the rationale supporting the request.~~

1517 ~~(e) For purposes of this section and only for the 2014-2015~~  
1518 ~~school year, a school district may use measurable learning~~  
1519 ~~targets on local assessments administered under s. 1008.22(6) to~~



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1520 ~~evaluate the performance of students portion of a classroom~~  
1521 ~~teacher's evaluation for courses that are not assessed by~~  
1522 ~~statewide, standardized assessments. Learning targets must be~~  
1523 ~~approved by the school principal. A district school~~  
1524 ~~superintendent may assign to instructional personnel in an~~  
1525 ~~instructional team the student learning growth of the~~  
1526 ~~instructional team's students on statewide assessments. This~~  
1527 ~~paragraph expires July 1, 2015.~~

1528       (8) RULEMAKING.—No later than August 1, 2015, the State  
1529 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
1530 and 120.54 which establish uniform procedures and format for the  
1531 submission, review, and approval of district evaluation systems  
1532 and reporting requirements for the annual evaluation of  
1533 instructional personnel and school administrators; specific,  
1534 discrete standards for each performance level required under  
1535 subsection (2), based on student learning growth models approved  
1536 by the commissioner, to ensure clear and sufficient  
1537 differentiation in the performance levels and to provide  
1538 consistency in meaning across school districts; the measurement  
1539 of student learning growth and associated implementation  
1540 procedures required under subsection (7); and a process for  
1541 monitoring school district implementation of evaluation systems  
1542 in accordance with this section. ~~Specifically, the rules shall~~  
1543 ~~establish student performance levels that if not met will result~~  
1544 ~~in the employee receiving an unsatisfactory performance~~  
1545 ~~evaluation rating. In like manner, the rules shall establish a~~  
1546 ~~student performance level that must be met in order for an~~  
1547 ~~employee to receive a highly effective rating and a student~~  
1548 ~~learning growth standard that must be met in order for an~~



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1549 ~~employee to receive an effective rating.~~

1550 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—  
1551 Standards for each performance level required under subsection  
1552 (2) shall be established by the State Board of Education  
1553 beginning with the 2015-2016 school year.

1554 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~  
1555 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~  
1556 ~~rewards as provided for in the 2014 General Appropriations Act~~  
1557 ~~for making outstanding progress toward educator effectiveness,~~  
1558 ~~including implementation of instructional personnel salaries~~  
1559 ~~based on performance results under s. 1012.34 and the use of~~  
1560 ~~local assessment results in personnel evaluations when~~  
1561 ~~statewide, standardized assessments are not administered.~~

1562 Section 14. Section 1012.3401, Florida Statutes, is  
1563 repealed.

1564 Section 15. Subsection (10) of section 1012.98, Florida  
1565 Statutes, is amended to read:

1566 1012.98 School Community Professional Development Act.—

1567 (10) For instructional personnel ~~teachers, managers,~~ and  
1568 administrative personnel who have been evaluated as less than  
1569 effective ~~satisfactory~~, a district school board shall require  
1570 participation in specific professional development programs as  
1571 provided in subparagraph (4)(b)4. as part of the improvement  
1572 prescription.

1573 Section 16. Except as otherwise expressly provided in this  
1574 act, this act shall take effect upon becoming a law.

1575  
1576 ===== T I T L E A M E N D M E N T =====

1577 And the title is amended as follows:



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1578 Delete everything before the enacting clause  
1579 and insert:

1580 A bill to be entitled  
1581 An act relating to education accountability; amending  
1582 s. 1001.42, F.S.; revising a requirement for the  
1583 uniform opening date of public schools; amending s.  
1584 1002.20, F.S.; revising provisions relating to reading  
1585 instruction to conform to changes made by the act;  
1586 amending ss. 1003.4156 and 1003.4282, F.S.; deleting  
1587 provisions relating to remediation for certain middle  
1588 grades and high school students, respectively;  
1589 amending s. 1003.4285, F.S.; revising requirements for  
1590 the scholar designation on standard high school  
1591 diplomas; amending s. 1003.621, F.S.; requiring that  
1592 academically high-performing school districts comply  
1593 with provisions relating to the uniform opening date  
1594 of public schools; amending s. 1008.22, F.S.; revising  
1595 the purpose of the student assessment program to  
1596 include providing instructional personnel with certain  
1597 information when available; revising the grade levels  
1598 of students who must take the statewide, standardized  
1599 English Language Arts assessment; revising provisions  
1600 relating to end-of-course assessments; requiring that  
1601 all students enrolled in certain courses take the  
1602 statewide, standardized end-of-course assessment  
1603 associated with the course; prohibiting students who  
1604 take an end-of-course assessment for a course from  
1605 taking other specified assessments; requiring  
1606 computer-based testing for certain assessments during





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1607 specified school years; requiring that paper-based  
1608 accommodations be made available for certain students;  
1609 providing for use of certain assessment results for  
1610 students; requiring that a student's performance  
1611 results on certain assessments be provided to the  
1612 student's teachers and parents within a specified time  
1613 after administration of the assessments; providing for  
1614 liquidated damages; revising provisions relating to  
1615 local assessments administered by school districts;  
1616 requiring that certain information relating to student  
1617 achievement be provided to instructional personnel  
1618 when available; requiring that all end-of-course  
1619 assessment results be reported annually by a specified  
1620 date; providing an exemption for the 2014-2015 school  
1621 year; requiring the Commissioner of Education to  
1622 annually publish a uniform calendar for assessment and  
1623 reporting on the Department of Education's website;  
1624 requiring each school district to establish assessment  
1625 schedules, approve such schedules at a district school  
1626 board meeting, and publish such schedules on the  
1627 district's website; requiring each public school to  
1628 publish such schedules on the school's website;  
1629 providing that certain assessments replace final  
1630 assessments in certain courses; requiring teachers and  
1631 parents to be provided with results of district-  
1632 required local assessments in a timely manner;  
1633 requiring rulemaking relating to the uniform calendar;  
1634 amending s. 1008.24, F.S.; authorizing a school  
1635 district to use district employees to administer and



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1636 proctor specified assessments; providing minimum  
1637 requirements for State Board of Education rules  
1638 regarding the training of such employees; amending s.  
1639 1008.25, F.S.; deleting requirements for the  
1640 comprehensive student progression plan; requiring each  
1641 district school board to adopt criteria for student  
1642 grade-level progression; revising provisions relating  
1643 to support for certain students and student promotion  
1644 from grade 3 to grade 4; requiring that certain  
1645 information relating to student achievement be  
1646 provided to instructional personnel when available;  
1647 providing for intensive instruction for certain  
1648 students; revising reporting requirements; amending s.  
1649 1008.30, F.S.; deleting a requirement for certain  
1650 students to be evaluated for college readiness;  
1651 amending s. 1008.34, F.S.; adding references to school  
1652 improvement ratings to provisions regarding the school  
1653 grading system; specifying applicability of certain  
1654 accountability measures to schools using turnaround  
1655 options; requiring that students who score in the  
1656 bottom quintile on the 2014-2015 grade 3 English  
1657 Language Arts assessment be identified as students at  
1658 risk of retention; requiring that each school district  
1659 notify such students' parents, provide evidence, and  
1660 provide intervention and support services; requiring  
1661 an independent verification of the psychometric  
1662 validity of statewide, standardized assessments before  
1663 school grades results may be published and before  
1664 student performance data may be used for purposes of



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1665 instructional personnel and school administrator  
1666 evaluations; requiring that a panel select an  
1667 independent entity based on criteria; requiring that  
1668 the Department of Education contract with the entity;  
1669 providing for future repeal; amending s. 1008.36,  
1670 F.S.; providing additional funds to certain schools  
1671 through the Florida School Recognition Program under  
1672 certain conditions; amending s. 1012.34, F.S.;  
1673 revising reporting requirements relating to school  
1674 district personnel evaluation systems; revising  
1675 evaluation criteria and requirements; revising  
1676 provisions relating to the measurement of student  
1677 performance; deleting provisions relating to district  
1678 bonus rewards for performance pay based on evaluation  
1679 progress; repealing s. 1012.3401, F.S., relating to  
1680 requirements for measuring student performance in  
1681 instructional personnel and school administrator  
1682 performance evaluations and performance evaluation of  
1683 personnel for purposes of performance salary schedule;  
1684 amending s. 1012.98, F.S.; revising provisions  
1685 relating to personnel evaluation for purposes of  
1686 professional development; providing effective dates.