

1                   A bill to be entitled  
2           An act relating to education accountability; amending  
3           s. 1002.33, F.S.; requiring an application and charter  
4           for a high school charter school to require the  
5           administration of a specified assessment for  
6           graduation purposes; amending s. 1003.4156, F.S.;  
7           revising the mathematics and social studies  
8           requirements for student promotion to high school and  
9           for certain high school credits; amending s.  
10          1003.4282, F.S.; revising the requirements for a  
11          standard high school diploma; deleting provisions  
12          requiring a student or transfer student to take a  
13          statewide, standardized Algebra II assessment or a  
14          Geometry or United States History end-of-course (EOC)  
15          assessment; amending s. 1003.4285, F.S.; revising the  
16          standard high school diploma designation requirements  
17          for mathematics and social studies; amending s.  
18          1008.22, F.S.; revising the grades in which the  
19          statewide, standardized Reading assessment must be  
20          administered; revising the administration of the  
21          statewide, standardized Mathematics and Science  
22          assessments and the English Language Arts (ELA)  
23          assessment; deleting requirements that a student take  
24          an EOC assessment in Geometry, Algebra II, United  
25          States History, or Civics; deleting a provision

26 | authorizing the Commissioner of Education to establish  
27 | a schedule for the development and administration of  
28 | additional statewide, standardized EOC assessments;  
29 | authorizing the Department of Education to expand  
30 | languages in which statewide, standardized assessments  
31 | are administered; requiring that such assessments be  
32 | provided at no cost to the school districts; requiring  
33 | the commissioner to provide a nonelectronic option for  
34 | the administration of specified assessments; requiring  
35 | the commissioner to implement contracts for the  
36 | selection of nationally recognized alternate high  
37 | school assessments; requiring the department to  
38 | conduct a study regarding student performance on  
39 | assessments; requiring specified ELA and Mathematics  
40 | assessments to be held within a specified timeframe;  
41 | requiring a report to the State Board of Education,  
42 | the Governor, and the Legislature by a specified date;  
43 | requiring the commissioner to provide a specified  
44 | analysis to each school district regarding student  
45 | achievement levels and Learning Gains on each  
46 | statewide, standardized assessment; requiring the  
47 | department to include a summary of a specified  
48 | analysis in a report to the Governor and the  
49 | Legislature; creating s. 1008.223, F.S.; providing a  
50 | purpose; providing responsibilities of the

51 commissioner to select and approve a nationally  
52 recognized high school assessment to administer in  
53 lieu of the Florida Standards Assessment; authorizing  
54 school districts to select the assessment; providing  
55 requirements for the assessment; requiring the  
56 commissioner to use an invitation to negotiate to  
57 fulfill certain requirements; requiring the  
58 commissioner to require certain entities to include  
59 specified information; requiring the commissioner to  
60 consult with, and receive recommendations for  
61 alternate assessments from, specified entities;  
62 providing that the nationally recognized high school  
63 assessment satisfies the high school graduation  
64 requirements; providing responsibilities of school  
65 districts; amending s. 1008.25, F.S.; requiring each  
66 district school board to include the results of a  
67 specified analysis in its annual report to parents;  
68 amending s. 1008.34, F.S.; redefining the term  
69 "Learning Gains"; revising the calculation for school  
70 grades; requiring that the commissioner develop models  
71 for a specified purpose; deleting obsolete language;  
72 amending s. 1008.345, F.S.; requiring the  
73 commissioner's report to the Legislature on education  
74 accountability to include a specified analysis;  
75 amending s. 1012.34, F.S.; deleting a provision

76 requiring the department to approve the evaluation  
77 systems for instructional personnel and school  
78 administrators; revising the performance evaluation  
79 systems for instructional personnel and school  
80 administrators; requiring the board to adopt rules for  
81 the monitoring, rather than for the submission,  
82 review, and approval, of such systems; deleting  
83 provisions relating to the transition to statewide,  
84 standardized assessments; amending ss. 1002.331,  
85 1012.341, and 1012.562, F.S.; conforming cross-  
86 references; providing an effective date.

87  
88 WHEREAS, Florida has led the country in establishing and  
89 implementing a rigorous assessment and accountability system,  
90 but the testing of Florida's students, rather than actual  
91 instruction, now dominates classroom time, and

92 WHEREAS, the introduction and requirement of end-of-course  
93 assessments in middle and high school only serve to increase the  
94 overall number of assessments on students while diminishing  
95 instructional time, and

96 WHEREAS, Florida should reduce the overall number of  
97 assessments, including the 9th grade Florida Standards  
98 Assessment, and should eliminate all end-of-course assessments,  
99 except for Algebra I and Biology I, to allow more instructional  
100 time for students at all levels, and

HB 1249

2017

101 WHEREAS, Florida should authorize an alternate, nationally  
102 recognized assessment in high school that is also recognized by  
103 colleges and universities, to increase opportunities for  
104 students to be successful in college, and

105 WHEREAS, Florida has implemented numerous acceleration and  
106 choice programs at the college level for students that  
107 incorporate assessments as a measure of student performance,  
108 including advanced placement, International Baccalaureate,  
109 Advanced International Certificate of Education, dual  
110 enrollment, and certificate programs, and

111 WHEREAS, Florida should increase the acceleration and  
112 choice opportunities at the high school level by reducing  
113 overall required assessments, and

114 WHEREAS, Florida should increase instructional time by  
115 authorizing the use of paper and pencil assessments instead of  
116 online assessments that disrupt instruction, especially in high  
117 school, and

118 WHEREAS, assessments continue to drive the teacher and  
119 administrator performance evaluation system, and Florida should  
120 disentangle these evaluations from assessments in order to focus  
121 on classroom instruction, and

122 WHEREAS, Florida should take advantage of the flexibility  
123 afforded by the federal Every Student Succeeds Act, NOW,  
124 THEREFORE,

125

126 Be It Enacted by the Legislature of the State of Florida:

127

128 Section 1. Paragraph (a) of subsection (6), paragraph (a)  
 129 of subsection (7), paragraph (e) of subsection (10), and  
 130 paragraphs (b) and (c) of subsection (15) of section 1002.33,  
 131 Florida Statutes, are amended to read:

132 1002.33 Charter schools.—

133 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 134 applications are subject to the following requirements:

135 (a) A person or entity seeking to open a charter school  
 136 shall prepare and submit an application on a model application  
 137 form prepared by the Department of Education which:

138 1. Demonstrates how the school will use the guiding  
 139 principles and meet the statutorily defined purpose of a charter  
 140 school.

141 2. Provides a detailed curriculum plan that illustrates  
 142 how students will be provided services to attain the Sunshine  
 143 State Standards.

144 3. Contains goals and objectives for improving student  
 145 learning and measuring that improvement. These goals and  
 146 objectives must indicate how much academic improvement students  
 147 are expected to show each year, how success will be evaluated,  
 148 and the specific results to be attained through instruction. For  
 149 a proposed high school charter school, the application must  
 150 indicate that the charter school will administer the same grade

151 10 English Language Arts assessment for high school graduation  
152 purposes which is administered by the local school district.

153 4. Describes the reading curriculum and differentiated  
154 strategies that will be used for students reading at grade level  
155 or higher and a separate curriculum and strategies for students  
156 who are reading below grade level. A sponsor shall deny an  
157 application if the school does not propose a reading curriculum  
158 that is consistent with effective teaching strategies that are  
159 grounded in scientifically based reading research.

160 5. Contains an annual financial plan for each year  
161 requested by the charter for operation of the school for up to 5  
162 years. This plan must contain anticipated fund balances based on  
163 revenue projections, a spending plan based on projected revenues  
164 and expenses, and a description of controls that will safeguard  
165 finances and projected enrollment trends.

166 6. Discloses the name of each applicant, governing board  
167 member, and all proposed education services providers; the name  
168 and sponsor of any charter school operated by each applicant,  
169 each governing board member, and each proposed education  
170 services provider that has closed and the reasons for the  
171 closure; and the academic and financial history of such charter  
172 schools, which the sponsor shall consider in deciding whether to  
173 approve or deny the application.

174 7. Contains additional information a sponsor may require,  
175 which shall be attached as an addendum to the charter school

176 application described in this paragraph.

177 8. For the establishment of a virtual charter school,  
178 documents that the applicant has contracted with a provider of  
179 virtual instruction services pursuant to s. 1002.45(1)(d).

180 (7) CHARTER.—The major issues involving the operation of a  
181 charter school shall be considered in advance and written into  
182 the charter. The charter shall be signed by the governing board  
183 of the charter school and the sponsor, following a public  
184 hearing to ensure community input.

185 (a) The charter shall address and criteria for approval of  
186 the charter shall be based on:

187 1. The school's mission, the students to be served, and  
188 the ages and grades to be included.

189 2. The focus of the curriculum, the instructional methods  
190 to be used, any distinctive instructional techniques to be  
191 employed, and identification and acquisition of appropriate  
192 technologies needed to improve educational and administrative  
193 performance which include a means for promoting safe, ethical,  
194 and appropriate uses of technology which comply with legal and  
195 professional standards.

196 a. The charter shall ensure that reading is a primary  
197 focus of the curriculum and that resources are provided to  
198 identify and provide specialized instruction for students who  
199 are reading below grade level. The curriculum and instructional  
200 strategies for reading must be consistent with the Next



201 Generation Sunshine State Standards and grounded in  
202 scientifically based reading research.

203       b. In order to provide students with access to diverse  
204 instructional delivery models, to facilitate the integration of  
205 technology within traditional classroom instruction, and to  
206 provide students with the skills they need to compete in the  
207 21st century economy, the Legislature encourages instructional  
208 methods for blended learning courses consisting of both  
209 traditional classroom and online instructional techniques.  
210 Charter schools may implement blended learning courses which  
211 combine traditional classroom instruction and virtual  
212 instruction. Students in a blended learning course must be full-  
213 time students of the charter school and receive the online  
214 instruction in a classroom setting at the charter school.  
215 Instructional personnel certified pursuant to s. 1012.55 who  
216 provide virtual instruction for blended learning courses may be  
217 employees of the charter school or may be under contract to  
218 provide instructional services to charter school students. At a  
219 minimum, such instructional personnel must hold an active state  
220 or school district adjunct certification under s. 1012.57 for  
221 the subject area of the blended learning course. The funding and  
222 performance accountability requirements for blended learning  
223 courses are the same as those for traditional courses.

224       3. The current incoming baseline standard of student  
225 academic achievement, the outcomes to be achieved, and the

226 method of measurement that will be used. The criteria listed in  
227 this subparagraph shall include a detailed description of:

228 a. How the baseline student academic achievement levels  
229 and prior rates of academic progress will be established.

230 b. How these baseline rates will be compared to rates of  
231 academic progress achieved by these same students while  
232 attending the charter school.

233 c. To the extent possible, how these rates of progress  
234 will be evaluated and compared with rates of progress of other  
235 closely comparable student populations.

236

237 The district school board is required to provide academic  
238 student performance data to charter schools for each of their  
239 students coming from the district school system, as well as  
240 rates of academic progress of comparable student populations in  
241 the district school system.

242 4. The methods used to identify the educational strengths  
243 and needs of students and how well educational goals and  
244 performance standards are met by students attending the charter  
245 school. The methods shall provide a means for the charter school  
246 to ensure accountability to its constituents by analyzing  
247 student performance data and by evaluating the effectiveness and  
248 efficiency of its major educational programs. Students in  
249 charter schools shall, at a minimum, participate in the  
250 statewide assessment program created under s. 1008.22.

251           5. In secondary charter schools, a method for determining  
252 that a student has satisfied the requirements for graduation in  
253 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

254           6. In high school charter schools, a provision in the  
255 charter that specifies the charter school will administer the  
256 same grade 10 English Language Arts assessment for high school  
257 graduation purposes which is administered by the local school  
258 district.

259           ~~7.6.~~ A method for resolving conflicts between the  
260 governing board of the charter school and the sponsor.

261           ~~8.7.~~ The admissions procedures and dismissal procedures,  
262 including the school's code of student conduct. Admission or  
263 dismissal must not be based on a student's academic performance.

264           ~~9.8.~~ The ways by which the school will achieve a  
265 racial/ethnic balance reflective of the community it serves or  
266 within the racial/ethnic range of other public schools in the  
267 same school district.

268           ~~10.9.~~ The financial and administrative management of the  
269 school, including a reasonable demonstration of the professional  
270 experience or competence of those individuals or organizations  
271 applying to operate the charter school or those hired or  
272 retained to perform such professional services and the  
273 description of clearly delineated responsibilities and the  
274 policies and practices needed to effectively manage the charter  
275 school. A description of internal audit procedures and

276 establishment of controls to ensure that financial resources are  
277 properly managed must be included. Both public sector and  
278 private sector professional experience shall be equally valid in  
279 such a consideration.

280 ~~11.10.~~ The asset and liability projections required in the  
281 application which are incorporated into the charter and shall be  
282 compared with information provided in the annual report of the  
283 charter school.

284 ~~12.11.~~ A description of procedures that identify various  
285 risks and provide for a comprehensive approach to reduce the  
286 impact of losses; plans to ensure the safety and security of  
287 students and staff; plans to identify, minimize, and protect  
288 others from violent or disruptive student behavior; and the  
289 manner in which the school will be insured, including whether or  
290 not the school will be required to have liability insurance,  
291 and, if so, the terms and conditions thereof and the amounts of  
292 coverage.

293 ~~13.12.~~ The term of the charter which shall provide for  
294 cancellation of the charter if insufficient progress has been  
295 made in attaining the student achievement objectives of the  
296 charter and if it is not likely that such objectives can be  
297 achieved before expiration of the charter. The initial term of a  
298 charter shall be for 4 or 5 years. In order to facilitate access  
299 to long-term financial resources for charter school  
300 construction, charter schools that are operated by a

301 municipality or other public entity as provided by law are  
302 eligible for up to a 15-year charter, subject to approval by the  
303 district school board. A charter lab school is eligible for a  
304 charter for a term of up to 15 years. In addition, to facilitate  
305 access to long-term financial resources for charter school  
306 construction, charter schools that are operated by a private,  
307 not-for-profit, s. 501(c)(3) status corporation are eligible for  
308 up to a 15-year charter, subject to approval by the district  
309 school board. Such long-term charters remain subject to annual  
310 review and may be terminated during the term of the charter, but  
311 only according to the provisions set forth in subsection (8).

312 ~~14.13.~~ The facilities to be used and their location. The  
313 sponsor may not require a charter school to have a certificate  
314 of occupancy or a temporary certificate of occupancy for such a  
315 facility earlier than 15 calendar days before the first day of  
316 school.

317 ~~15.14.~~ The qualifications to be required of the teachers  
318 and the potential strategies used to recruit, hire, train, and  
319 retain qualified staff to achieve best value.

320 ~~16.15.~~ The governance structure of the school, including  
321 the status of the charter school as a public or private employer  
322 as required in paragraph (12)(i).

323 ~~17.16.~~ A timetable for implementing the charter which  
324 addresses the implementation of each element thereof and the  
325 date by which the charter shall be awarded in order to meet this

326 timetable.

327 ~~18.17.~~ In the case of an existing public school that is  
328 being converted to charter status, alternative arrangements for  
329 current students who choose not to attend the charter school and  
330 for current teachers who choose not to teach in the charter  
331 school after conversion in accordance with the existing  
332 collective bargaining agreement or district school board rule in  
333 the absence of a collective bargaining agreement. However,  
334 alternative arrangements shall not be required for current  
335 teachers who choose not to teach in a charter lab school, except  
336 as authorized by the employment policies of the state university  
337 which grants the charter to the lab school.

338 ~~19.18.~~ Full disclosure of the identity of all relatives  
339 employed by the charter school who are related to the charter  
340 school owner, president, chairperson of the governing board of  
341 directors, superintendent, governing board member, principal,  
342 assistant principal, or any other person employed by the charter  
343 school who has equivalent decisionmaking authority. For the  
344 purpose of this subparagraph, the term "relative" means father,  
345 mother, son, daughter, brother, sister, uncle, aunt, first  
346 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
347 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
348 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
349 stepsister, half brother, or half sister.

350 ~~20.19.~~ Implementation of the activities authorized under

351 s. 1002.331 by the charter school when it satisfies the  
352 eligibility requirements for a high-performing charter school. A  
353 high-performing charter school shall notify its sponsor in  
354 writing by March 1 if it intends to increase enrollment or  
355 expand grade levels the following school year. The written  
356 notice shall specify the amount of the enrollment increase and  
357 the grade levels that will be added, as applicable.

358 (10) ELIGIBLE STUDENTS.—

359 (e) A charter school may limit the enrollment process only  
360 to target the following student populations:

361 1. Students within specific age groups or grade levels.

362 2. Students considered at risk of dropping out of school  
363 or academic failure. Such students shall include exceptional  
364 education students.

365 3. Students enrolling in a charter school-in-the-workplace  
366 or charter school-in-a-municipality established pursuant to  
367 subsection (15).

368 4. Students residing within a reasonable distance of the  
369 charter school, as described in paragraph (20)(c). Such students  
370 shall be subject to a random lottery and to the racial/ethnic  
371 balance provisions described in subparagraph (7)(a)9. ~~(7)(a)8.~~  
372 or any federal provisions that require a school to achieve a  
373 racial/ethnic balance reflective of the community it serves or  
374 within the racial/ethnic range of other public schools in the  
375 same school district.

376           5. Students who meet reasonable academic, artistic, or  
377 other eligibility standards established by the charter school  
378 and included in the charter school application and charter or,  
379 in the case of existing charter schools, standards that are  
380 consistent with the school's mission and purpose. Such standards  
381 shall be in accordance with current state law and practice in  
382 public schools and may not discriminate against otherwise  
383 qualified individuals.

384           6. Students articulating from one charter school to  
385 another pursuant to an articulation agreement between the  
386 charter schools that has been approved by the sponsor.

387           7. Students living in a development in which a business  
388 entity provides the school facility and related property having  
389 an appraised value of at least \$10 million to be used as a  
390 charter school for the development. Students living in the  
391 development shall be entitled to 50 percent of the student  
392 stations in the charter school. The students who are eligible  
393 for enrollment are subject to a random lottery, the  
394 racial/ethnic balance provisions, or any federal provisions, as  
395 described in subparagraph 4. The remainder of the student  
396 stations shall be filled in accordance with subparagraph 4.

397           (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
398 A-MUNICIPALITY.—

399           (b) A charter school-in-the-workplace may be established  
400 when a business partner provides the school facility to be used;



401 enrolls students based upon a random lottery that involves all  
402 of the children of employees of that business or corporation who  
403 are seeking enrollment, as provided for in subsection (10); and  
404 enrolls students according to the racial/ethnic balance  
405 provisions described in subparagraph (7)(a)9. ~~(7)(a)8.~~ Any  
406 portion of a facility used for a public charter school shall be  
407 exempt from ad valorem taxes, as provided for in s. 1013.54, for  
408 the duration of its use as a public school.

409 (c) A charter school-in-a-municipality designation may be  
410 granted to a municipality that possesses a charter; enrolls  
411 students based upon a random lottery that involves all of the  
412 children of the residents of that municipality who are seeking  
413 enrollment, as provided for in subsection (10); and enrolls  
414 students according to the racial/ethnic balance provisions  
415 described in subparagraph (7)(a)9. ~~(7)(a)8.~~ When a municipality  
416 has submitted charter applications for the establishment of a  
417 charter school feeder pattern, consisting of elementary, middle,  
418 and senior high schools, and each individual charter application  
419 is approved by the district school board, such schools shall  
420 then be designated as one charter school for all purposes listed  
421 pursuant to this section. Any portion of the land and facility  
422 used for a public charter school shall be exempt from ad valorem  
423 taxes, as provided for in s. 1013.54, for the duration of its  
424 use as a public school.

425 Section 2. Paragraphs (b) and (c) of subsection (1) of

426 section 1003.4156, Florida Statutes, are amended to read:

427       1003.4156 General requirements for middle grades  
428 promotion.—

429       (1) In order for a student to be promoted to high school  
430 from a school that includes middle grades 6, 7, and 8, the  
431 student must successfully complete the following courses:

432       (b) Three middle grades or higher courses in mathematics.  
433 Each school that includes middle grades must offer at least one  
434 high school level mathematics course for which students may earn  
435 high school credit. Successful completion of a high school level  
436 Algebra I ~~or Geometry~~ course is not contingent upon the  
437 student's performance on the statewide, standardized Algebra I  
438 end-of-course (EOC) assessment. To earn high school credit for  
439 Algebra I, a middle grades student must take the statewide,  
440 standardized Algebra I EOC assessment and pass the course, and,  
441 in addition, ~~beginning with the 2013-2014 school year and~~  
442 ~~thereafter,~~ a student's performance on the Algebra I EOC  
443 assessment constitutes 30 percent of the student's final course  
444 grade. ~~To earn high school credit for a Geometry course, a~~  
445 ~~middle grades student must take the statewide, standardized~~  
446 ~~Geometry EOC assessment, which constitutes 30 percent of the~~  
447 ~~student's final course grade, and earn a passing grade in the~~  
448 ~~course.~~

449       (c) Three middle grades or higher courses in social  
450 studies. ~~Beginning with students entering grade 6 in the 2012-~~

451 ~~2013 school year,~~ One of these courses must be at least a one-  
452 semester civics education course that includes the roles and  
453 responsibilities of federal, state, and local governments; the  
454 structures and functions of the legislative, executive, and  
455 judicial branches of government; and the meaning and  
456 significance of historic documents, such as the Articles of  
457 Confederation, the Declaration of Independence, and the  
458 Constitution of the United States. ~~Beginning with the 2013-2014~~  
459 ~~school year, each student's performance on the statewide,~~  
460 ~~standardized EOC assessment in civics education required under~~  
461 ~~s. 1008.22 constitutes 30 percent of the student's final course~~  
462 ~~grade. A middle grades student who transfers into the state's~~  
463 ~~public school system from out of country, out of state, a~~  
464 ~~private school, or a home education program after the beginning~~  
465 ~~of the second term of grade 8 is not required to meet the civics~~  
466 ~~education requirement for promotion from the middle grades if~~  
467 ~~the student's transcript documents passage of three courses in~~  
468 ~~social studies or two year-long courses in social studies that~~  
469 ~~include coverage of civics education.~~

470  
471 Each school must inform parents about the course curriculum and  
472 activities. Each student shall complete a personal education  
473 plan that must be signed by the student and the student's  
474 parent. The Department of Education shall develop course  
475 frameworks and professional development materials for the career

476 and education planning course. The course may be implemented as  
477 a stand-alone course or integrated into another course or  
478 courses. The Commissioner of Education shall collect  
479 longitudinal high school course enrollment data by student  
480 ethnicity in order to analyze course-taking patterns.

481 Section 3. Paragraphs (b) and (d) of subsection (3) and  
482 subsections (7) and (9) of section 1003.4282, Florida Statutes,  
483 are amended to read:

484 1003.4282 Requirements for a standard high school  
485 diploma.—

486 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
487 REQUIREMENTS.—

488 (b) *Four credits in mathematics.*—A student must earn one  
489 credit in Algebra I and one credit in Geometry. A student's  
490 performance on the statewide, standardized Algebra I end-of-  
491 course (EOC) assessment constitutes 30 percent of the student's  
492 final course grade. A student must pass the statewide,  
493 standardized Algebra I EOC assessment, or earn a comparative  
494 score, in order to earn a standard high school diploma. A  
495 ~~student's performance on the statewide, standardized Geometry~~  
496 ~~EOC assessment constitutes 30 percent of the student's final~~  
497 ~~course grade. If the state administers a statewide, standardized~~  
498 ~~Algebra II assessment, a student selecting Algebra II must take~~  
499 ~~the assessment, and the student's performance on the assessment~~  
500 ~~constitutes 30 percent of the student's final course grade. A~~

501 student who earns an industry certification for which there is a  
502 statewide college credit articulation agreement approved by the  
503 State Board of Education may substitute the certification for  
504 one mathematics credit. Substitution may occur for up to two  
505 mathematics credits, except for Algebra I and Geometry.

506 (d) *Three credits in social studies.*—A student must earn  
507 one credit in United States History; one credit in World  
508 History; one-half credit in economics, which must include  
509 financial literacy; and one-half credit in United States  
510 Government. ~~The United States History EOC assessment constitutes~~  
511 ~~30 percent of the student's final course grade.~~

512 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS. ~~Beginning~~  
513 ~~with the 2012-2013 school year,~~ If a student transfers to a  
514 Florida public high school from out of country, out of state, a  
515 private school, or a home education program and the student's  
516 transcript shows a credit in Algebra I, the student must pass  
517 the statewide, standardized Algebra I EOC assessment in order to  
518 earn a standard high school diploma unless the student earned a  
519 comparative score, passed a statewide assessment in Algebra I  
520 administered by the transferring entity, or passed the statewide  
521 Mathematics assessment the transferring entity uses to satisfy  
522 the requirements of the Elementary and Secondary Education Act,  
523 20 U.S.C. s. 6301. If a student's transcript shows a credit in  
524 high school reading or English Language Arts II or III, in order  
525 to earn a standard high school diploma, the student must take

526 and pass the statewide, standardized grade 10 Reading assessment  
527 or, when implemented, the grade 10 ELA assessment, or earn a  
528 concordant score. If a transfer student's transcript shows a  
529 final course grade and course credit in Algebra I or, ~~Geometry,~~  
530 Biology I, ~~or United States History,~~ the transferring course  
531 final grade and credit shall be honored without the student  
532 taking the requisite statewide, standardized EOC assessment and  
533 without the assessment result ~~results~~ constituting 30 percent of  
534 the student's final course grade.

535 (9) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The  
536 requirements of this section, in addition to applying to  
537 students entering grade 9 in the 2013-2014 school year and  
538 thereafter, shall also apply to students entering grade 9 before  
539 the 2013-2014 school year, except as otherwise provided in this  
540 subsection.

541 (a) A student entering grade 9 before the 2010-2011 school  
542 year must earn:

543 1. Four credits in English/ELA. A student must pass the  
544 statewide, standardized grade 10 Reading assessment, or earn a  
545 concordant score, in order to graduate with a standard high  
546 school diploma.

547 2. Four credits in mathematics, which must include Algebra  
548 I. A student must pass grade 10 FCAT Mathematics, or earn a  
549 concordant score, in order to graduate with a standard high  
550 school diploma. A student who takes Algebra I ~~or Geometry~~ after

551 the 2010-2011 school year must take the statewide, standardized  
552 EOC assessment for the course but is not required to pass the  
553 assessment in order to earn course credit. A student's  
554 performance on the Algebra I ~~or Geometry~~ EOC assessment is not  
555 required to constitute 30 percent of the student's final course  
556 grade. A student who earns an industry certification for which  
557 there is a statewide college credit articulation agreement  
558 approved by the State Board of Education may substitute the  
559 certification for one mathematics credit. Substitution may occur  
560 for up to two mathematics credits, except for Algebra I.

561 3. Three credits in science, two of which must have a  
562 laboratory component. A student who takes Biology I after the  
563 2010-2011 school year must take the statewide, standardized  
564 Biology I EOC assessment but is not required to pass the  
565 assessment in order to earn course credit. A student's  
566 performance on the assessment is not required to constitute 30  
567 percent of the student's final course grade. A student who earns  
568 an industry certification for which there is a statewide college  
569 credit articulation agreement approved by the State Board of  
570 Education may substitute the certification for one science  
571 credit.

572 4. Three credits in social studies of which one credit in  
573 World History, one credit in United States History, one-half  
574 credit in United States Government, and one-half credit in  
575 economics are required. ~~A student who takes United States~~

576 ~~History after the 2011-2012 school year must take the statewide,~~  
577 ~~standardized United States History EOC assessment, but the~~  
578 ~~student's performance on the assessment is not required to~~  
579 ~~constitute 30 percent of the student's final course grade.~~

580 5. One credit in fine or performing arts, speech and  
581 debate, or practical arts as provided in paragraph (3) (e).

582 6. One credit in physical education as provided in  
583 paragraph (3) (f).

584 7. Eight credits in electives.

585 (b) A student entering grade 9 in the 2010-2011 school  
586 year must earn:

587 1. Four credits in English/ELA. A student must pass the  
588 statewide, standardized grade 10 Reading assessment, or earn a  
589 concordant score, in order to graduate with a standard high  
590 school diploma.

591 2. Four credits in mathematics, which must include Algebra  
592 I and Geometry. The statewide, standardized Algebra I EOC  
593 assessment constitutes 30 percent of the student's final course  
594 grade. A student who takes Algebra I ~~or Geometry~~ after the 2010-  
595 2011 school year must take the statewide, standardized EOC  
596 assessment for the course but is not required to pass the  
597 assessment in order to earn course credit. ~~A student's~~  
598 ~~performance on the Geometry EOC assessment is not required to~~  
599 ~~constitute 30 percent of the student's final course grade.~~ A  
600 student who earns an industry certification for which there is a



601 statewide college credit articulation agreement approved by the  
602 State Board of Education may substitute the certification for  
603 one mathematics credit. Substitution may occur for up to two  
604 mathematics credits, except for Algebra I and Geometry.

605 3. Three credits in science, two of which must have a  
606 laboratory component. A student who takes Biology I after the  
607 2010-2011 school year must take the statewide, standardized  
608 Biology I EOC assessment but is not required to pass the  
609 assessment in order to earn course credit. A student's  
610 performance on the assessment is not required to constitute 30  
611 percent of the student's final course grade. A student who earns  
612 an industry certification for which there is a statewide college  
613 credit articulation agreement approved by the State Board of  
614 Education may substitute the certification for one science  
615 credit, except for Biology I.

616 4. Three credits in social studies of which one credit in  
617 World History, one credit in United States History, one-half  
618 credit in United States Government, and one-half credit in  
619 economics are required. ~~A student who takes United States  
620 History after the 2011-2012 school year must take the statewide,  
621 standardized United States History EOC assessment, but the  
622 student's performance on the assessment is not required to  
623 constitute 30 percent of the student's final course grade.~~

624 5. One credit in fine or performing arts, speech and  
625 debate, or practical arts as provided in paragraph (3) (e).

626           6. One credit in physical education as provided in  
627 paragraph (3)(f).

628           7. Eight credits in electives.

629           (c) A student entering grade 9 in the 2011-2012 school  
630 year must earn:

631           1. Four credits in English/ELA. A student must pass the  
632 statewide, standardized grade 10 Reading assessment, or earn a  
633 concordant score, in order to graduate with a standard high  
634 school diploma.

635           2. Four credits in mathematics, which must include Algebra  
636 I and Geometry. A student who takes Algebra I after the 2010-  
637 2011 school year must pass the statewide, standardized Algebra I  
638 EOC assessment, or earn a comparative score, in order to earn a  
639 standard high school diploma. A student who takes Algebra I ~~or~~  
640 Geometry after the 2010-2011 school year must take the  
641 statewide, standardized EOC assessment but is not required to  
642 pass the Algebra I ~~or Geometry~~ EOC assessment in order to earn  
643 course credit. A student's performance on the Algebra I ~~or~~  
644 Geometry EOC assessment is not required to constitute 30 percent  
645 of the student's final course grade. A student who earns an  
646 industry certification for which there is a statewide college  
647 credit articulation agreement approved by the State Board of  
648 Education may substitute the certification for one mathematics  
649 credit. Substitution may occur for up to two mathematics  
650 credits, except for Algebra I and Geometry.

651           3. Three credits in science, two of which must have a  
652 laboratory component. One of the science credits must be Biology  
653 I. A student who takes Biology I after the 2010-2011 school year  
654 must take the statewide, standardized Biology I EOC assessment  
655 but is not required to pass the assessment in order to earn  
656 course credit. A student's performance on the assessment is not  
657 required to constitute 30 percent of the student's final course  
658 grade. A student who earns an industry certification for which  
659 there is a statewide college credit articulation agreement  
660 approved by the State Board of Education may substitute the  
661 certification for one science credit, except for Biology I.

662           4. Three credits in social studies of which one credit in  
663 World History, one credit in United States History, one-half  
664 credit in United States Government, and one-half credit in  
665 economics are required. ~~A student who takes United States  
666 History after the 2011-2012 school year must take the statewide,  
667 standardized United States History EOC assessment, but the  
668 student's performance on the assessment is not required to  
669 constitute 30 percent of the student's final course grade.~~

670           5. One credit in fine or performing arts, speech and  
671 debate, or practical arts as provided in paragraph (3) (e).

672           6. One credit in physical education as provided in  
673 paragraph (3) (f).

674           7. Eight credits in electives.

675           8. One online course as provided in subsection (4).

676 (d) A student entering grade 9 in the 2012-2013 school  
677 year must earn:

678 1. Four credits in English/ELA. A student must pass the  
679 statewide, standardized grade 10 Reading assessment, or earn a  
680 concordant score, in order to graduate with a standard high  
681 school diploma.

682 2. Four credits in mathematics, which must include Algebra  
683 I and Geometry. A student who takes Algebra I after the 2010-  
684 2011 school year must pass the statewide, standardized Algebra I  
685 EOC assessment, or earn a comparative score, in order to earn a  
686 standard high school diploma. ~~A student who takes Geometry after~~  
687 ~~the 2010-2011 school year must take the statewide, standardized~~  
688 ~~Geometry EOC assessment.~~ A student is not required to pass the  
689 statewide, standardized EOC assessment in Algebra I ~~or Geometry~~  
690 in order to earn course credit. A student's performance on the  
691 Algebra I ~~or Geometry~~ EOC assessment is not required to  
692 constitute 30 percent of the student's final course grade. A  
693 student who earns an industry certification for which there is a  
694 statewide college credit articulation agreement approved by the  
695 State Board of Education may substitute the certification for  
696 one mathematics credit. Substitution may occur for up to two  
697 mathematics credits, except for Algebra I and Geometry.

698 3. Three credits in science, two of which must have a  
699 laboratory component. One of the science credits must be Biology  
700 I. A student who takes Biology I after the 2010-2011 school year

701 must take the statewide, standardized Biology I EOC assessment  
702 but is not required to pass the assessment to earn course  
703 credit. A student's performance on the assessment is not  
704 required to constitute 30 percent of the student's final course  
705 grade. A student who earns an industry certification for which  
706 there is a statewide college credit articulation agreement  
707 approved by the State Board of Education may substitute the  
708 certification for one science credit, except for Biology I.

709 4. Three credits in social studies of which one credit in  
710 World History, one credit in United States History, one-half  
711 credit in United States Government, and one-half credit in  
712 economics are required. ~~The statewide, standardized United~~  
713 ~~States History EOC assessment constitutes 30 percent of the~~  
714 ~~student's final course grade.~~

715 5. One credit in fine or performing arts, speech and  
716 debate, or practical arts as provided in paragraph (3) (e).

717 6. One credit in physical education as provided in  
718 paragraph (3) (f).

719 7. Eight credits in electives.

720 8. One online course as provided in subsection (4).

721 (e) Policy adopted in rule by the district school board  
722 may require for any cohort of students that performance on a  
723 statewide, standardized EOC assessment constitute 30 percent of  
724 a student's final course grade.

725 (f) This subsection is repealed July 1, 2020.

726 Section 4. Paragraph (a) of subsection (1) of section  
 727 1003.4285, Florida Statutes, is amended to read:

728 1003.4285 Standard high school diploma designations.—

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

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

735 1. Mathematics.—Earn one credit in Algebra II and one  
 736 credit in statistics or an equally rigorous course. ~~Beginning~~  
 737 ~~with students entering grade 9 in the 2014-2015 school year,~~  
 738 ~~pass the Algebra II and Geometry statewide, standardized~~  
 739 ~~assessments.~~

740 2. Science.—Pass the statewide, standardized Biology I EOC  
 741 assessment and earn one credit in chemistry or physics and one  
 742 credit in a course equally rigorous to chemistry or physics.  
 743 However, a student enrolled in an Advanced Placement (AP),  
 744 International Baccalaureate (IB), or Advanced International  
 745 Certificate of Education (AICE) Biology course who takes the  
 746 respective AP, IB, or AICE Biology assessment and earns the  
 747 minimum score necessary to earn college credit as identified  
 748 pursuant to s. 1007.27(2) meets the requirement of this  
 749 subparagraph without having to take the statewide, standardized  
 750 Biology I EOC assessment.

751           3. Social studies.—~~Pass the statewide, standardized United~~  
 752 ~~States History EOC assessment. However,~~ A student enrolled in an  
 753 AP, IB, or AICE course that includes United States History  
 754 topics who takes the respective AP, IB, or AICE assessment and  
 755 earns the minimum score necessary to earn college credit as  
 756 identified pursuant to s. 1007.27(2) meets the requirement of  
 757 this subparagraph ~~without having to take the statewide,~~  
 758 ~~standardized United States History EOC assessment.~~

759           4. Foreign language.—Earn two credits in the same foreign  
 760 language.

761           5. Electives.—Earn at least one credit in an Advanced  
 762 Placement, an International Baccalaureate, an Advanced  
 763 International Certificate of Education, or a dual enrollment  
 764 course.

765           Section 5. Subsections (3), (4), and (5) and paragraphs  
 766 (a) and (e) of subsection (7) of section 1008.22, Florida  
 767 Statutes, are amended, and paragraph (g) is added to subsection  
 768 (11), to read:

769           1008.22 Student assessment program for public schools.—

770           (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
 771 Commissioner of Education shall design and implement a  
 772 statewide, standardized assessment program aligned to the core  
 773 curricular content established in the Next Generation Sunshine  
 774 State Standards. The commissioner also must develop or select  
 775 and implement a common battery of assessment tools that will be

776 used in all juvenile justice education programs in the state.  
777 These tools must accurately measure the core curricular content  
778 established in the Next Generation Sunshine State Standards.  
779 Participation in the assessment program is mandatory for all  
780 school districts and all students attending public schools,  
781 including adult students seeking a standard high school diploma  
782 under s. 1003.4282 and students in Department of Juvenile  
783 Justice education programs, except as otherwise provided by law.  
784 If a student does not participate in the assessment program, the  
785 school district must notify the student's parent and provide the  
786 parent with information regarding the implications of such  
787 nonparticipation. The statewide, standardized assessment program  
788 shall be designed and implemented as follows:

789 (a) *Statewide, standardized comprehensive assessments.*—The  
790 statewide, standardized Reading assessment shall be administered  
791 annually in grades 3 through 8 and grade 10. The statewide,  
792 standardized Writing assessment shall be administered annually  
793 at least once at the elementary, middle, and high school levels.  
794 When the Reading and Writing assessments are replaced by English  
795 Language Arts (ELA) assessments, ELA assessments shall be  
796 administered to students in grades 3 through 8 and annually in  
797 grade 10. Retake opportunities for the grade 10 Reading  
798 assessment ~~or, upon implementation, the grade 10 ELA assessment~~  
799 must be provided. Students taking the ELA assessments may ~~shall~~  
800 not take the statewide, standardized assessments in Reading or



801 Writing. ELA assessments shall be administered online unless the  
802 provisions of paragraph (d) are implemented. The statewide,  
803 standardized Mathematics assessments shall be administered  
804 annually in grades 3 through 8, and shall be administered online  
805 unless the provisions of paragraph (d) are implemented. Students  
806 taking a revised Mathematics assessment may ~~shall~~ not take the  
807 discontinued assessment. The statewide, standardized Science  
808 assessment shall be administered annually at least once at the  
809 elementary and middle grades levels, and shall be administered  
810 online unless the provisions of paragraph (d) are implemented.  
811 In order to earn a standard high school diploma, a student who  
812 has not earned a passing score on the grade 10 Reading  
813 assessment or, upon implementation, the grade 10 ELA assessment  
814 or, upon implementation, a grade 10 nationally recognized high  
815 school assessment selected by a school district must earn a  
816 passing score on the assessment retake or earn a concordant  
817 score as authorized under subsection (8).

818 (b) Algebra I and Biology I End-of-course (EOC)  
819 assessments. ~~The Algebra I and Biology I EOC assessments must be~~  
820 ~~statewide, standardized, and developed or approved by the~~  
821 ~~Department of Education. as follows:~~

822 1. EOC assessments for Algebra I and, ~~Geometry, Algebra~~  
823 ~~II, Biology I, United States History, and Civics~~ shall be  
824 administered to students enrolled in such courses as specified  
825 in the course code directory.

826           2. Students enrolled in Algebra I and Biology I ~~a course,~~  
827 ~~as specified in the course code directory, with an associated~~  
828 ~~statewide, standardized EOC assessment~~ must take the EOC  
829 assessment for such course and may not take the corresponding  
830 subject or grade-level statewide, standardized assessment  
831 pursuant to paragraph (a). Sections 1003.4156 and 1003.4282  
832 govern the use of statewide, standardized EOC assessment results  
833 for students.

834           3. The commissioner may select one or more nationally  
835 developed comprehensive examinations, which may include  
836 examinations for a College Board Advanced Placement course,  
837 International Baccalaureate course, or Advanced International  
838 Certificate of Education course, or industry-approved  
839 examinations to earn national industry certifications identified  
840 in the CAPE Industry Certification Funding List, for use as the  
841 Algebra I and Biology I EOC assessments under this paragraph if  
842 the commissioner determines that the content knowledge and  
843 skills assessed by the examinations meet or exceed the grade-  
844 level expectations for Algebra I and Biology I ~~the core~~  
845 ~~curricular content established for the course in the Next~~  
846 ~~Generation Sunshine State Standards~~. Use of any such examination  
847 as an EOC assessment must be approved by the state board in  
848 rule.

849           4. ~~Contingent upon funding provided in the General~~  
850 ~~Appropriations Act, including the appropriation of funds~~

851 ~~received through federal grants, the commissioner may establish~~  
852 ~~an implementation schedule for the development and~~  
853 ~~administration of additional statewide, standardized EOC~~  
854 ~~assessments that must be approved by the state board in rule. If~~  
855 ~~approved by the state board, student performance on such~~  
856 ~~assessments constitutes 30 percent of a student's final course~~  
857 ~~grade.~~

858 4.5. The Algebra I and Biology I All-statewide,  
859 ~~standardized~~ EOC assessments must be administered online except  
860 as otherwise provided in paragraphs ~~paragraph~~ (c) and (d).

861 (c) *Students with disabilities; Florida Alternate*  
862 *Assessment.*—

863 1. Each district school board must provide instruction to  
864 prepare students with disabilities in the core content knowledge  
865 and skills necessary for successful grade-to-grade progression  
866 and high school graduation.

867 2. A student with a disability, as defined in s. 1007.02,  
868 for whom the individual education plan (IEP) team determines  
869 that the statewide, standardized assessments under this section  
870 cannot accurately measure the student's abilities, taking into  
871 consideration all allowable accommodations, shall have  
872 assessment results waived for the purpose of receiving a course  
873 grade and a standard high school diploma. Such waiver shall be  
874 designated on the student's transcript. The statement of waiver  
875 shall be limited to a statement that performance on an

876 assessment was waived for the purpose of receiving a course  
877 grade or a standard high school diploma, as applicable.

878 3. The State Board of Education shall adopt rules, based  
879 upon recommendations of the commissioner, for the provision of  
880 assessment accommodations for students with disabilities and for  
881 students who have limited English proficiency.

882 a. Accommodations that negate the validity of a statewide,  
883 standardized assessment are not allowed during the  
884 administration of the assessment. However, instructional  
885 accommodations are allowed in the classroom if identified in a  
886 student's IEP. Students using instructional accommodations in  
887 the classroom that are not allowed on a statewide, standardized  
888 assessment may have assessment results waived if the IEP team  
889 determines that the assessment cannot accurately measure the  
890 student's abilities.

891 b. If a student is provided with instructional  
892 accommodations in the classroom that are not allowed as  
893 accommodations for statewide, standardized assessments, the  
894 district must inform the parent in writing and provide the  
895 parent with information regarding the impact on the student's  
896 ability to meet expected performance levels. A parent must  
897 provide signed consent for a student to receive classroom  
898 instructional accommodations that would not be available or  
899 permitted on a statewide, standardized assessment and  
900 acknowledge in writing that he or she understands the

901 implications of such instructional accommodations.

902 c. If a student's IEP states that online administration of  
903 a statewide, standardized assessment will significantly impair  
904 the student's ability to perform, the assessment shall be  
905 administered in hard copy.

906 4. For students with significant cognitive disabilities,  
907 the Department of Education shall provide for implementation of  
908 the Florida Alternate Assessment to accurately measure the core  
909 curricular content established in the Next Generation Sunshine  
910 State Standards.

911 5. The Department of Education may expand the languages in  
912 which statewide, standardized assessments are administered. A  
913 school district shall be provided such assessments at no cost.

914 (d) Nonelectronic option.—The commissioner shall provide  
915 an alternative, nonelectronic option for the administration of  
916 the ELA statewide, standardized assessment, including Writing;  
917 the nationally recognized assessment approved pursuant to s.  
918 1008.223; the Mathematics statewide, standardized assessment;  
919 and the Algebra I and Biology I EOC assessments. The  
920 commissioner shall provide the nonelectronic option to reduce  
921 the time spent on assessments; increase instructional time for  
922 students; and ensure that students demonstrate more successfully  
923 a mastery of the standards being measured, that students have  
924 the time to develop the word processing and computer skills  
925 necessary to take any statewide, standardized assessment, and

926 that school districts have the capacity on both the school and  
927 district levels to administer the assessments online.

928 (e)~~(d)~~ *Implementation schedule.*—

929 1. The Commissioner of Education shall establish and  
930 publish on the department's website an implementation schedule  
931 to transition from the statewide, standardized Reading and  
932 Writing assessments to the ELA assessments and to the revised  
933 Mathematics assessments, including the Algebra I ~~and Geometry~~  
934 EOC assessment assessments. The schedule must take into  
935 consideration funding, sufficient field and baseline data,  
936 access to assessments, instructional alignment, and school  
937 district readiness to administer the assessments online. All  
938 such assessments must be delivered through computer-based  
939 testing, however, the following assessments must be delivered in  
940 a computer-based format, as follows: the grade 3 ELA assessment,  
941 beginning in the 2017-2018 school year; the grade 3 Mathematics  
942 assessment beginning in the 2016-2017 school year; the grade 4  
943 ELA assessment, beginning in the 2015-2016 school year; and the  
944 grade 4 Mathematics assessment, beginning in the 2016-2017  
945 school year.

946 2. The Department of Education shall publish minimum and  
947 recommended technology requirements that include specifications  
948 for hardware, software, networking, security, and broadband  
949 capacity to facilitate school district compliance with the  
950 requirement that assessments be administered online.

951 (f) ~~(e)~~ *Assessment scores and achievement levels.*—

952 1. The ~~All~~ statewide, standardized Algebra I EOC  
953 assessment ~~assessments~~ and ELA, Mathematics, and Science  
954 assessments shall use scaled scores and achievement levels.  
955 Achievement levels shall range from 1 through 5, with level 1  
956 being the lowest achievement level, level 5 being the highest  
957 achievement level, and level 3 indicating satisfactory  
958 performance on an assessment.

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

961 3. If the commissioner seeks to revise a statewide,  
962 standardized assessment and the revisions require the state  
963 board to modify performance level scores, including the passing  
964 score, the commissioner shall provide a copy of the proposed  
965 scores and implementation plan to the President of the Senate  
966 and the Speaker of the House of Representatives at least 90 days  
967 before submission to the state board for review. Until the state  
968 board adopts the modifications by rule, the commissioner shall  
969 use calculations for scoring the assessment that adjust student  
970 scores on the revised assessment for statistical equivalence to  
971 student scores on the former assessment. The state board shall  
972 adopt by rule the passing score for the revised assessment that  
973 is statistically equivalent to the passing score on the  
974 discontinued assessment for a student who is required to attain  
975 a passing score on the discontinued assessment. The commissioner

976 may, with approval of the state board, discontinue  
977 administration of the former assessment upon the graduation,  
978 based on normal student progression, of students participating  
979 in the final regular administration of the former assessment. If  
980 the commissioner revises a statewide, standardized assessment  
981 and the revisions require the state board to modify the passing  
982 score, only students taking the assessment for the first time  
983 after the rule is adopted are affected.

984 (g)~~(f)~~ *Prohibited activities.*—A district school board  
985 shall prohibit each public school from suspending a regular  
986 program of curricula for purposes of administering practice  
987 assessments or engaging in other assessment-preparation  
988 activities for a statewide, standardized assessment. However, a  
989 district school board may authorize a public school to engage in  
990 the following assessment-preparation activities:

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

993 2. Providing individualized instruction in assessment-  
994 taking strategies, without suspending the school's regular  
995 program of curricula, for a student who scores Level 1 or Level  
996 2 on a prior administration of an assessment.

997 3. Providing individualized instruction in the content  
998 knowledge and skills assessed, without suspending the school's  
999 regular program of curricula, for a student who scores Level 1  
1000 or Level 2 on a prior administration of an assessment or a



1001 student who, through a diagnostic assessment administered by the  
 1002 school district, is identified as having a deficiency in the  
 1003 content knowledge and skills assessed.

1004 4. Administering a practice assessment or engaging in  
 1005 other assessment-preparation activities that are determined  
 1006 necessary to familiarize students with the organization of the  
 1007 assessment, the format of assessment items, and the assessment  
 1008 directions or that are otherwise necessary for the valid and  
 1009 reliable administration of the assessment, as set forth in rules  
 1010 adopted by the State Board of Education with specific reference  
 1011 to this paragraph.

1012 (h) ~~(g)~~ *Contracts for assessments.*—

1013 1. The commissioner shall provide for the assessments to  
 1014 be developed or obtained, as appropriate, through contracts and  
 1015 project agreements with private vendors, public vendors, public  
 1016 agencies, postsecondary educational institutions, or school  
 1017 districts.

1018 2. The commissioner shall implement s. 1008.223, relating  
 1019 to the selection by school districts of a nationally recognized  
 1020 high school assessment as an alternate assessment for high  
 1021 school.

1022 3. The commissioner may enter into contracts for the  
 1023 continued administration of the assessments authorized and  
 1024 funded by the Legislature. Contracts may be initiated in 1  
 1025 fiscal year and continue into the next fiscal year and may be

1026 | paid from the appropriations of either or both fiscal years. The  
1027 | commissioner may negotiate for the sale or lease of tests,  
1028 | scoring protocols, test scoring services, and related materials  
1029 | developed pursuant to law.

1030 |       ~~4.2.~~ A student's performance results on statewide,  
1031 | standardized assessments, Algebra I and Biology I EOC  
1032 | assessments, and Florida Alternative Assessments administered  
1033 | pursuant to this subsection must be provided to the student's  
1034 | teachers and parents within 30 days or by the end of the school  
1035 | year, whichever occurs earlier, unless the commissioner  
1036 | determines that extenuating circumstances exist and reports the  
1037 | extenuating circumstances to the State Board of Education and to  
1038 | school districts. This subparagraph does not apply to existing  
1039 | contracts for such assessments, but applies ~~shall apply~~ to new  
1040 | contracts and any renewal of existing contracts for such  
1041 | assessments. The Department of Education shall conduct a study  
1042 | to identify barriers to and make recommendations for improving  
1043 | student performance results within 72 hours after completion of  
1044 | all statewide, standardized assessments, the Algebra I and  
1045 | Biology I EOC assessments, and any nationally recognized high  
1046 | school assessment selected by a school district as an alternate  
1047 | assessment pursuant to s. 1008.223. Recommendations may include  
1048 | modification of assessment administration for students with  
1049 | disabilities. A report of the study shall be submitted to the  
1050 | State Board of Education, the Governor, the President of the

1051 Senate, and the Speaker of the House of Representatives no later  
 1052 than January 31, 2018.

1053 5. The administration of the statewide, standardized ELA  
 1054 and Mathematics assessments in grades 3 through 8 may not occur  
 1055 earlier than the last 4 weeks of school.

1056 6.3- If liquidated damages are applicable, the department  
 1057 shall collect liquidated damages that are due in response to the  
 1058 administration of the spring 2015 computer-based assessments of  
 1059 the department's Florida Standards Assessment contract with  
 1060 American Institutes for Research, and expend the funds to  
 1061 reimburse parties that incurred damages.

1062 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED  
 1063 ASSESSMENT PROGRAM.—Each public school shall participate in the  
 1064 statewide, standardized assessment program in accordance with  
 1065 the assessment and reporting schedules and the minimum and  
 1066 recommended technology requirements published by the  
 1067 Commissioner of Education. A district school superintendent  
 1068 shall notify the commissioner of the schools that will use a  
 1069 nonelectronic option, and the commissioner shall provide an  
 1070 alternative, nonelectronic option to the school district for the  
 1071 successful and timely administration of the statewide,  
 1072 standardized assessments and the reporting of assessment results  
 1073 to the Department of Education, as specified in paragraph  
 1074 (3) (d). District school boards may ~~shall~~ not establish school  
 1075 calendars that conflict with or jeopardize implementation of the

1076 assessment program. All district school boards shall report  
1077 assessment results using the state management information  
1078 system. Performance data shall be analyzed and reported to  
1079 parents, the community, and the state. Student performance data  
1080 shall be used by districts in developing objectives for the  
1081 school improvement plan, evaluating instructional personnel and  
1082 administrative personnel, assigning staff, allocating resources,  
1083 acquiring instructional materials and technology, implementing  
1084 performance-based budgeting, and promoting and assigning  
1085 students to educational programs. The analysis of student  
1086 performance data must also identify strengths and needs in the  
1087 educational program and trends over time. The analysis must be  
1088 used in conjunction with the budgetary planning processes  
1089 developed pursuant to s. 1008.385 and the development of  
1090 remediation programs.

1091 (5) REQUIRED ANALYSES.—The commissioner shall provide, at  
1092 a minimum, statewide, standardized assessment data analysis  
1093 showing student achievement levels and Learning Gains by  
1094 teacher, school, and school district. As part of the analysis,  
1095 the commissioner shall provide all of the following information  
1096 to school districts for student achievement levels and Learning  
1097 Gains on each statewide, standardized assessment:

1098 (a) The percent of correct items by cognitive complexity.

1099 (b) The percent of correct items for each measured  
1100 standard.

1101           (c) The identification of each standard measured on the  
 1102 assessment.

1103           (d) At item analysis of the standard measured on each  
 1104 assessment.

1105           (e) The reading level at which each reading assessment is  
 1106 administered.

1107           (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

1108           (a) The Commissioner of Education shall establish  
 1109 schedules for the administration of statewide, standardized  
 1110 assessments and the reporting of student assessment results. The  
 1111 commissioner shall consider the observance of religious and  
 1112 school holidays when developing the schedules. The assessment  
 1113 and reporting schedules must provide the earliest possible  
 1114 reporting of student assessment results to the school districts,  
 1115 consistent with the requirements of paragraph (3)(h) ~~(3)(g)~~.

1116 Assessment results for the statewide, standardized ELA and  
 1117 Mathematics assessments and the ~~all~~ statewide, standardized  
 1118 Algebra I and Biology I EOC assessments must be made available  
 1119 no later than the week of June 8, except for results of  
 1120 assessments administered in the 2014-2015 school year. School  
 1121 districts shall administer statewide, standardized assessments  
 1122 in accordance with the schedule established by the commissioner.

1123           (e) The Algebra I and Biology I ~~A statewide, standardized~~  
 1124 EOC assessments ~~assessment~~ must be used as the final cumulative  
 1125 examination for its associated course. No additional final

1126 assessment may be administered in an Algebra I or Biology I a  
 1127 course with a statewide, standardized EOC assessment. A  
 1128 district-required local assessment may be used as the final  
 1129 cumulative examination for its associated course in accordance  
 1130 with the school district's policy.

1131 (11) REPORTS.—The Department of Education shall annually  
 1132 provide a report to the Governor, the President of the Senate,  
 1133 and the Speaker of the House of Representatives which shall  
 1134 include the following:

1135 (g) A summary of the analysis required under subsection  
 1136 (5).

1137 Section 6. Section 1008.223, Florida Statutes, is created  
 1138 to read:

1139 1008.223 Selection of a nationally recognized alternate  
 1140 high school assessment.—

1141 (1) PURPOSE.—

1142 (a) This section provides a school district the option of  
 1143 selecting a nationally recognized high school assessment in lieu  
 1144 of administering the Florida Standards Assessment to students in  
 1145 grade 10, and is in compliance with the federal Every Student  
 1146 Succeeds Act provisions authorizing the selection by a school  
 1147 district of a nationally recognized high school assessment to  
 1148 administer as an alternate assessment in high school.

1149 (b) The student assessment program in high school must be  
 1150 implemented in a way that does not substantially disrupt

1151 instruction to students or displace students from using a  
1152 classroom computer that is needed for instruction. The  
1153 assessment results must be returned within 30 days after  
1154 administration of the assessment or by the end of the school  
1155 year, whichever occurs earlier, to allow a student and parent to  
1156 know whether the student is achieving at grade level and to  
1157 allow the school district to make more timely decisions  
1158 regarding promotion, retention, summer school placement, and  
1159 scheduling for the next school year. A nationally recognized  
1160 high school assessment that is substantially aligned with the  
1161 applicable state standards will allow a parent to know how a  
1162 student compares nationally and even internationally.

1163 (2) RESPONSIBILITIES OF THE COMMISSIONER OF EDUCATION.—In  
1164 addition to the requirements of s. 1008.22, the commissioner  
1165 shall provide an approved list of nationally recognized high  
1166 school assessments from which a school district may select as an  
1167 alternate assessment to administer to students in grade 10 for  
1168 English Language Arts in lieu of the Florida Standards  
1169 Assessment.

1170 (a) The nationally recognized high school assessment must  
1171 meet all of the following requirements:

1172 1. Be available to school districts no later than the  
1173 2018-2019 school year;

1174 2. Be substantially aligned with the Next Generation  
1175 Sunshine State Standards;

1176 3. Provide for differentiation and comparability between  
1177 schools and districts;

1178 4. Provide the same or additional accommodations to  
1179 students with disabilities and other students which are provided  
1180 for the Florida Standards Assessment and other statewide,  
1181 standardized assessments;

1182 5. Meet applicable assessment security requirements  
1183 determined by the commissioner for the state and for school  
1184 districts;

1185 6. Meet reasonable technical specification requirements  
1186 determined by the commissioner which allow for implementation by  
1187 the state and by school districts; and

1188 7. Satisfy any threshold legal requirement, including, but  
1189 not limited to, the standard set forth in Debra P. v.  
1190 Turlington, 474 F. Supp. 244 (M.D. Fla. 1979).

1191 (b) The commissioner must use an invitation to negotiate,  
1192 as defined in s. 287.012, to fulfill the requirements of this  
1193 section. The commissioner must require each entity that responds  
1194 to an invitation to negotiate to include information  
1195 demonstrating compliance with paragraph (a).

1196 (c) The commissioner shall consult with and receive  
1197 recommendations for alternate assessments from education  
1198 stakeholders, including district school superintendents, testing  
1199 and measurement administrators, curriculum directors,  
1200 principals, teachers, and other educators who have experience



1201 and expertise in the administration of high school assessments.  
 1202 (d) The nationally recognized high school assessment, if  
 1203 administered, satisfies the high school graduation requirements  
 1204 contained in s. 1003.4282.

1205 (3) RESPONSIBILITIES OF SCHOOL DISTRICTS.—A district  
 1206 school superintendent may recommend, and the school board may  
 1207 approve, the administration of the state-approved nationally  
 1208 recognized high school assessment to be administered in lieu of  
 1209 the Florida Standards Assessment in grade 10. Administrators,  
 1210 teachers, and parents of high school students must be notified  
 1211 at the beginning of each school year that an assessment other  
 1212 than the Florida Standards Assessment will be administered in  
 1213 grade 10.

1214 Section 7. Paragraph (a) of subsection (8) of section  
 1215 1008.25, Florida Statutes, is amended to read:

1216 1008.25 Public school student progression; student  
 1217 support; reporting requirements.—

1218 (8) ANNUAL REPORT.—

1219 (a) In addition to the requirements in paragraph (5)(b),  
 1220 each district school board must annually report to the parent of  
 1221 each student the progress of the student toward achieving state  
 1222 and district expectations for proficiency in English Language  
 1223 Arts, science, social studies, and mathematics. The district  
 1224 school board must report to the parent the student's results on  
 1225 each statewide, standardized assessment. The report must include

1226 the results of the analysis required under s. 1008.22(5). The  
1227 evaluation of each student's progress must be based upon the  
1228 student's classroom work, observations, tests, district and  
1229 state assessments, and other relevant information. Progress  
1230 reporting must be provided to the parent in writing in a format  
1231 adopted by the district school board.

1232 Section 8. Paragraph (b) of subsection (1), paragraphs (a)  
1233 and (b) of subsection (3), and subsections (4), (6), and (7) of  
1234 section 1008.34, Florida Statutes, are amended to read:

1235 1008.34 School grading system; school report cards;  
1236 district grade.—

1237 (1) DEFINITIONS.—For purposes of the statewide,  
1238 standardized assessment program and school grading system, the  
1239 following terms are defined:

1240 (b) "Learning Gains," "annual learning gains," or "student  
1241 learning gains" means the degree of student learning growth  
1242 occurring from one school year to the next as required by state  
1243 board rule for purposes of calculating school grades under this  
1244 section. For the purpose of school grades, maintaining  
1245 achievement level 3, level 4, or level 5 or increasing such  
1246 achievement level constitutes Learning Gains.

1247 (3) DESIGNATION OF SCHOOL GRADES.—

1248 (a) Each school must assess at least 95 percent of its  
1249 eligible students, except as provided under s. 1008.341 for  
1250 alternative schools. Each school shall receive a school grade

1251 based on the ~~school's~~ performance on the components listed in  
1252 subparagraphs (b)1. and 2. If a school does not have at least 10  
1253 students with complete data for one or more of the components  
1254 listed in subparagraphs (b)1. and 2., those components may not  
1255 be used in calculating the school's grade. In addition to  
1256 statewide, standardized assessments, a school grade shall be  
1257 based on any nationally recognized high school assessment used  
1258 pursuant to s. 1008.223, an assessment used for concordant  
1259 scores pursuant to s. 1008.22(8), and any comparative score for  
1260 an end-of-course assessment used pursuant to s. 1008.22(9). The  
1261 grades for acceleration courses taken in middle school must also  
1262 be reflected in the school grade for the high school to which  
1263 the student will transfer.

1264 1. An alternative school may choose to receive a school  
1265 grade under this section or a school improvement rating under s.  
1266 1008.341. For charter schools that meet the definition of an  
1267 alternative school pursuant to State Board of Education rule,  
1268 the decision to receive a school grade is the decision of the  
1269 charter school governing board.

1270 2. A school that serves any combination of students in  
1271 kindergarten through grade 3 and that does not receive a school  
1272 grade because its students are not tested and included in the  
1273 school grading system shall receive the school grade designation  
1274 of a K-3 feeder pattern school identified by the Department of  
1275 Education and verified by the school district. A school feeder

1276 pattern exists if at least 60 percent of the students in the  
 1277 school serving a combination of students in kindergarten through  
 1278 grade 3 are scheduled to be assigned to the graded school.

1279 3. If a collocated school does not earn a school grade or  
 1280 school improvement rating for the performance of its students,  
 1281 the student performance data of all schools operating at the  
 1282 same facility must be aggregated to develop a school grade that  
 1283 will be assigned to all schools at that location. A collocated  
 1284 school is a school that has its own unique master school  
 1285 identification number, provides for the education of each of its  
 1286 enrolled students, and operates at the same facility as another  
 1287 school that has its own unique master school identification  
 1288 number and provides for the education of each of its enrolled  
 1289 students.

1290 (b)1. Beginning with the 2014-2015 school year, a school's  
 1291 grade shall be based on the following components, each worth 100  
 1292 points:

1293 a. The percentage of eligible students passing statewide,  
 1294 standardized assessments in English Language Arts under s.  
 1295 1008.22(3).

1296 b. The percentage of eligible students passing statewide,  
 1297 standardized assessments in mathematics under s. 1008.22(3).

1298 c. The percentage of eligible students passing statewide,  
 1299 standardized assessments in science under s. 1008.22(3).

1300 ~~d. The percentage of eligible students passing statewide,~~

1301 ~~standardized assessments in social studies under s. 1008.22(3).~~  
 1302 d.e. The percentage of eligible students who make Learning  
 1303 Gains in English Language Arts as measured by statewide,  
 1304 standardized assessments administered under s. 1008.22(3).  
 1305 e.f. The percentage of eligible students who make Learning  
 1306 Gains in mathematics as measured by statewide, standardized  
 1307 assessments administered under s. 1008.22(3).  
 1308 f.g. The percentage of eligible students in the lowest 25  
 1309 percent in English Language Arts, as identified by prior year  
 1310 performance on statewide, standardized assessments, who make  
 1311 Learning Gains as measured by statewide, standardized English  
 1312 Language Arts assessments administered under s. 1008.22(3).  
 1313 g.h. The percentage of eligible students in the lowest 25  
 1314 percent in mathematics, as identified by prior year performance  
 1315 on statewide, standardized assessments, who make Learning Gains  
 1316 as measured by statewide, standardized Mathematics assessments  
 1317 administered under s. 1008.22(3).  
 1318 h.i. For schools consisting ~~comprised~~ of middle grades 6  
 1319 through 8 or grades 7 and 8, the percentage of eligible students  
 1320 passing high school level statewide, standardized end-of-course  
 1321 assessments or attaining national industry certifications  
 1322 identified in the CAPE Industry Certification Funding List  
 1323 pursuant to rules adopted by the State Board of Education.  
 1324  
 1325 In calculating Learning Gains for the components listed in sub-

1326 subparagraphs d.-g. ~~e.-h.~~, the State Board of Education shall  
1327 require that learning growth toward achievement levels 3, 4, and  
1328 5 is demonstrated by students who scored below or remained at  
1329 achievement level 3, level 4, or level 5 ~~each of those levels~~ in  
1330 the prior year. In calculating the components in sub-  
1331 subparagraphs a.-c. ~~a.-d.~~, the state board shall include the  
1332 performance of English language learners only if they have been  
1333 enrolled in a school in the United States for more than 2 years.

1334 2. For a school consisting ~~comprised~~ of grades 9, 10, 11,  
1335 and 12, or grades 10, 11, and 12, the school's grade shall also  
1336 be based on the following components, each worth 100 points:

1337 a. The 4-year high school graduation rate of the school as  
1338 defined by state board rule.

1339 b. The percentage of students who were eligible to earn  
1340 college and career credit through College Board Advanced  
1341 Placement examinations, International Baccalaureate  
1342 examinations, dual enrollment courses, or Advanced International  
1343 Certificate of Education examinations; or who, at any time  
1344 during high school, earned national industry certification  
1345 identified in the CAPE Industry Certification Funding List,  
1346 pursuant to rules adopted by the state board.

1347 (4) SCHOOL REPORT CARD.—The Department of Education shall  
1348 annually develop, in collaboration with the school districts, a  
1349 school report card to be provided by the school district to  
1350 parents within the district. The report card shall include the

1351 school's grade; student performance in English Language Arts,  
 1352 mathematics ~~and,~~ science, ~~and social studies;~~ information  
 1353 regarding school improvement; an explanation of school  
 1354 performance as evaluated by the federal Elementary and Secondary  
 1355 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators  
 1356 of return on investment. The report card must incorporate the  
 1357 summary results of the analysis required in s. 1008.22(5). Each  
 1358 school's report card shall be published annually by the  
 1359 department on its website based upon the most recent data  
 1360 available.

1361 (6) 2018-2019 SCHOOL GRADE CALCULATION.—

1362 (a) Beginning with the 2018-2019 school year, the school's  
 1363 grade shall also be based on the following components:

1364 1. The extended-year adjusted cohort graduation rate for  
 1365 schools consisting of grades 9, 10, 11, and 12, or grades 10,  
 1366 11, and 12.

1367 2. At least one indicator of school quality or student  
 1368 access which is measurable and may include, but is not limited  
 1369 to, student engagement; educator engagement; student access to  
 1370 and completion of advanced coursework, postsecondary readiness,  
 1371 school climate and safety; student attendance; or student  
 1372 persistence, for at least 10 percent of the school grade.

1373 (b) Learning Gains shall be calculated in English Language  
 1374 Arts for students who take the statewide, standardized  
 1375 assessment or the approved nationally recognized high school

HB 1249

2017

1376 assessment. The Learning Gains shall be calculated based on the  
1377 performance on the English Language Arts assessments  
1378 administered in grade 8 under s. 1008.22(3).

1379 (c) The commissioner shall develop models that may be used  
1380 for differentiation and comparability between schools and  
1381 districts that use an approved nationally recognized high school  
1382 assessment pursuant to s. 1008.223.

1383 (7) RULES.—The State Board of Education shall adopt rules  
1384 under ss. 120.536(1) and 120.54 to administer this section.

1385 ~~(7) TRANSITION. School grades pursuant to this section and~~  
1386 ~~school improvement ratings pursuant to s. 1008.341 for the 2013-~~  
1387 ~~2014 school year shall be calculated based on statutes and rules~~  
1388 ~~in effect on June 30, 2014. To assist in the transition to 2014-~~  
1389 ~~2015 school grades and school improvement ratings, calculated~~  
1390 ~~based on new statewide, standardized assessments administered~~  
1391 ~~pursuant to s. 1008.22, the 2014-2015 school grades and school~~  
1392 ~~improvement ratings shall serve as an informational baseline for~~  
1393 ~~schools to work toward improved performance in future years.~~  
1394 ~~Accordingly, notwithstanding any other provision of law:~~

1395 ~~(a) A school may not be required to select and implement a~~  
1396 ~~turnaround option pursuant to s. 1008.33 in the 2015-2016 school~~  
1397 ~~year based on the school's 2014-2015 grade or school improvement~~  
1398 ~~rating under s. 1008.341, as applicable. The benefits of s.~~  
1399 ~~1008.33(4)(c), relating to a school being released from~~  
1400 ~~implementation of the turnaround option, and s. 1008.33(4)(d),~~



1401 ~~relating to a school implementing strategies identified in its~~  
1402 ~~school improvement plan, apply to a school using turnaround~~  
1403 ~~options pursuant to s. 1008.33 which improves at least one~~  
1404 ~~letter grade during the 2014-2015 school year.~~

1405 ~~(b)1. A school or approved provider under s. 1002.45 which~~  
1406 ~~receives the same or a lower school grade or school improvement~~  
1407 ~~rating for the 2014-2015 school year compared to the 2013-2014~~  
1408 ~~school year is not subject to sanctions or penalties that would~~  
1409 ~~otherwise occur as a result of the 2014-2015 school grade or~~  
1410 ~~rating. A charter school system or a school district designated~~  
1411 ~~as high performing may not lose the designation based on the~~  
1412 ~~2014-2015 school grades of any of the schools within the charter~~  
1413 ~~school system or school district, as applicable.~~

1414 ~~2. The Florida School Recognition Program established~~  
1415 ~~under s. 1008.36 shall continue to be implemented as otherwise~~  
1416 ~~provided in the General Appropriations Act.~~

1417 ~~(c) Until such time as an independent verification of the~~  
1418 ~~psychometric validity of the statewide, standardized assessments~~  
1419 ~~first implemented in 2014-2015 is provided, for purposes of~~  
1420 ~~grade 3 English Language Arts student performance and high~~  
1421 ~~school graduation requirements pursuant to s. 1003.4282, student~~  
1422 ~~performance on the 2014-2015 statewide, standardized assessments~~  
1423 ~~shall be linked to 2013-2014 student performance expectations.~~  
1424 ~~Students who score in the bottom quintile on the 2014-2015 grade~~  
1425 ~~3 English Language Arts assessment shall be identified as~~

HB 1249

2017

1426 ~~students at risk of retention. School districts must notify~~  
1427 ~~parents of such students, provide evidence as outlined in s.~~  
1428 ~~1008.25(6)(b), and provide the appropriate intervention and~~  
1429 ~~support services for student success in grade 4.~~

1430

1431 ~~This subsection is repealed July 1, 2017.~~

1432 Section 9. Paragraph (d) is added to subsection (5) of  
1433 section 1008.345, Florida Statutes, to read:

1434 1008.345 Implementation of state system of school  
1435 improvement and education accountability.—

1436 (5) The commissioner shall report to the Legislature and  
1437 recommend changes in state policy necessary to foster school  
1438 improvement and education accountability. The report shall  
1439 include:

1440 (d) The results of the analysis required under s.  
1441 1008.22(5).

1442

1443 School reports shall be distributed pursuant to this subsection  
1444 and s. 1001.42(18)(c) and according to rules adopted by the  
1445 State Board of Education.

1446 Section 10. Paragraphs (b) and (c) of subsection (1),  
1447 paragraph (a) of subsection (3), and subsections (6) through (9)  
1448 of section 1012.34, Florida Statutes, are amended to read:

1449 1012.34 Personnel evaluation procedures and criteria.—

1450 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

HB 1249

2017

1451           (b) ~~The department must approve each school district's~~  
1452 ~~instructional personnel and school administrator evaluation~~  
1453 ~~systems.~~ The department shall monitor each district's  
1454 implementation of its instructional personnel and school  
1455 administrator evaluation systems for compliance with the  
1456 requirements of this section.

1457           (c) Annually, by February 1, the Commissioner of Education  
1458 shall publish on the department's website the status of each  
1459 school district's instructional personnel and school  
1460 administrator evaluation systems. This information must include:

1461           ~~1.~~ performance evaluation results for the prior school  
1462 year for instructional personnel and school administrators using  
1463 the four levels of performance specified in paragraph (2)(e).  
1464 The performance evaluation results for instructional personnel  
1465 shall be disaggregated by classroom teachers, as defined in s.  
1466 1012.01(2)(a), excluding substitute teachers, and all other  
1467 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

1468           ~~2.~~ ~~An analysis that compares performance evaluation~~  
1469 ~~results calculated by each school district to indicators of~~  
1470 ~~performance calculated by the department using the standards for~~  
1471 ~~performance levels adopted by the state board under subsection~~  
1472 ~~(8).~~

1473           ~~3.~~ ~~Data reported under s. 1012.341.~~

1474           (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
1475 personnel and school administrator performance evaluations must

1476 be based upon the performance of students assigned to their  
1477 classrooms or schools, as provided in this section. Pursuant to  
1478 this section, a school district's performance evaluation system  
1479 is not limited to basing unsatisfactory performance of  
1480 instructional personnel and school administrators solely upon  
1481 student performance, but may include other criteria to evaluate  
1482 instructional personnel and school administrators' performance,  
1483 or any combination of student performance and other criteria.  
1484 Evaluation procedures and criteria must comply with, but are not  
1485 limited to, the following:

1486 (a) A performance evaluation must be conducted for each  
1487 employee at least once a year, except that a classroom teacher,  
1488 as defined in s. 1012.01(2)(a), excluding substitute teachers,  
1489 who is newly hired by the district school board must be observed  
1490 and evaluated at least twice in the first year of teaching in  
1491 the school district. The performance evaluation must be based  
1492 upon sound educational principles and contemporary research in  
1493 effective educational practices. The evaluation criteria must  
1494 include:

1495 1. Performance of students.—At least one-third of a  
1496 performance evaluation must be based upon data and indicators of  
1497 student performance ~~in accordance with subsection (7). This~~  
1498 ~~portion of the evaluation must include growth or achievement~~  
1499 ~~data of the teacher's students or, for a school administrator,~~  
1500 ~~the students attending the school over the course of at least 3~~

1501 ~~years. If less than 3 years of data are available, the years for~~  
1502 ~~which data are available must be used. The proportion of growth~~  
1503 ~~or achievement data may be determined by instructional~~  
1504 ~~assignment.~~

1505       2. Instructional practice.—For instructional personnel,  
1506 the remainder at least one-third of the performance evaluation  
1507 must be based upon instructional practice and other indicators  
1508 of performance. The performance evaluation must include, but is  
1509 not limited to, practices and indicators that relate to the  
1510 following:

- 1511           a. Comprehensive knowledge of the subject taught;  
1512           b. Instruction in the applicable Next Generation Sunshine  
1513 State Standards with rigor and fidelity;  
1514           c. The planning and delivery of instruction using  
1515 technology in the classroom;  
1516           d. The application of data from assessments and measures  
1517 to diagnose learning needs and to use applicable instructional  
1518 strategies;  
1519           e. The ability to maintain appropriate classroom  
1520 discipline;  
1521           f. The ability to establish and maintain a positive  
1522 collaborative relationship with students' families to increase  
1523 student achievement;  
1524           g. Adherence to the Code of Ethics and the Principles of  
1525 Professional Conduct for the Education Profession in Florida;

1526 and  
 1527 h. Adherence to the Florida Educator Accomplished  
 1528 Practices and other professional competencies, responsibilities,  
 1529 and requirements as established by rules of the State Board of  
 1530 Education and policies of the district school board.

1531  
 1532 Evaluation criteria used when annually observing classroom  
 1533 teachers, as defined in s. 1012.01(2)(a), excluding substitute  
 1534 teachers, must include indicators based upon each of the Florida  
 1535 Educator Accomplished Practices adopted by the State Board of  
 1536 Education. For instructional personnel who are not classroom  
 1537 teachers, evaluation criteria must be based upon indicators of  
 1538 the Florida Educator Accomplished Practices and may include  
 1539 specific job expectations related to student support.

1540 3. Instructional leadership.—For school administrators,  
 1541 the remainder ~~at least one-third~~ of the performance evaluation  
 1542 must be based on the Florida Principal Leadership Standards and  
 1543 other indicators of performance ~~instructional leadership~~.

1544 Evaluation criteria for instructional leadership must include  
 1545 indicators based upon each of the leadership standards adopted  
 1546 by the State Board of Education under s. 1012.986, including  
 1547 performance measures related to the effectiveness of classroom  
 1548 teachers in the school, the administrator's appropriate use of  
 1549 evaluation criteria and procedures, recruitment and retention of  
 1550 effective and highly effective classroom teachers, improvement

1551 in the percentage of instructional personnel evaluated at the  
1552 highly effective or effective level, and other leadership  
1553 practices that result in student learning growth. The system may  
1554 include a means to give parents and instructional personnel an  
1555 opportunity to provide input into the administrator's  
1556 performance evaluation.

1557 ~~4. Other indicators of performance. For instructional~~  
1558 ~~personnel and school administrators, the remainder of a~~  
1559 ~~performance evaluation may include, but is not limited to,~~  
1560 ~~professional and job responsibilities as recommended by the~~  
1561 ~~State Board of Education or identified by the district school~~  
1562 ~~board and, for instructional personnel, peer reviews,~~  
1563 ~~objectively reliable survey information from students and~~  
1564 ~~parents based on teaching practices that are consistently~~  
1565 ~~associated with higher student achievement, and other valid and~~  
1566 ~~reliable measures of instructional practice.~~

1567 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT  
1568 EVALUATION SYSTEMS.—The district school board shall establish a  
1569 procedure for annually reviewing instructional personnel and  
1570 school administrator evaluation systems to determine compliance  
1571 with this section. All substantial revisions to the ~~an approved~~  
1572 system must be reviewed and approved by the district school  
1573 board before being used to evaluate instructional personnel or  
1574 school administrators. Upon request by a school district, the  
1575 department shall provide assistance in developing, improving, or

1576 reviewing an evaluation system.

1577 ~~(7) MEASUREMENT OF STUDENT PERFORMANCE.~~

1578 ~~(a) The Commissioner of Education shall approve a formula~~  
1579 ~~to measure individual student learning growth on the statewide,~~  
1580 ~~standardized assessments in English Language Arts and~~  
1581 ~~mathematics administered under s. 1008.22. The formula must take~~  
1582 ~~into consideration each student's prior academic performance.~~  
1583 ~~The formula must not set different expectations for student~~  
1584 ~~learning growth based upon a student's gender, race, ethnicity,~~  
1585 ~~or socioeconomic status. In the development of the formula, the~~  
1586 ~~commissioner shall consider other factors such as a student's~~  
1587 ~~attendance record, disability status, or status as an English~~  
1588 ~~language learner. The commissioner may select additional~~  
1589 ~~formulas to measure student performance as appropriate for the~~  
1590 ~~remainder of the statewide, standardized assessments included~~  
1591 ~~under s. 1008.22 and continue to select formulas as new~~  
1592 ~~assessments are implemented in the state system. After the~~  
1593 ~~commissioner approves the formula to measure individual student~~  
1594 ~~learning growth, the State Board of Education shall adopt these~~  
1595 ~~formulas in rule.~~

1596 ~~(b) Each school district shall measure student learning~~  
1597 ~~growth using the formulas approved by the commissioner under~~  
1598 ~~paragraph (a) and the standards for performance levels adopted~~  
1599 ~~by the state board under subsection (8) for courses associated~~  
1600 ~~with the statewide, standardized assessments administered under~~



HB 1249

2017

1601 ~~s. 1008.22 no later than the school year immediately following~~  
1602 ~~the year the formula is approved by the commissioner. For grades~~  
1603 ~~and subjects not assessed by statewide, standardized~~  
1604 ~~assessments, each school district shall measure student~~  
1605 ~~performance using a methodology determined by the district.~~

1606 (7) ~~(8)~~ RULEMAKING. ~~No later than August 1, 2015,~~ The State  
1607 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
1608 and 120.54 which establish uniform procedures and format for the  
1609 monitoring ~~submission, review, and approval~~ of district  
1610 evaluation systems and reporting requirements for the annual  
1611 evaluation of instructional personnel and school administrators;  
1612 ~~specific, discrete standards for each performance level required~~  
1613 ~~under subsection (2), based on student learning growth models~~  
1614 ~~approved by the commissioner, to ensure clear and sufficient~~  
1615 ~~differentiation in the performance levels and to provide~~  
1616 ~~consistency in meaning across school districts; the measurement~~  
1617 ~~of student learning growth and associated implementation~~  
1618 ~~procedures required under subsection (7); and a process for~~  
1619 ~~monitoring school district implementation of evaluation systems~~  
1620 ~~in accordance with this section.~~

1621 ~~(9)~~ ~~TRANSITION TO NEW STATEWIDE, STANDARDIZED~~  
1622 ~~ASSESSMENTS. Standards for each performance level required under~~  
1623 ~~subsection (2) shall be established by the State Board of~~  
1624 ~~Education beginning with the 2015-2016 school year.~~

1625 Section 11. Paragraph (e) of subsection (2) of section

1626 | 1002.331, Florida Statutes, is amended to read:

1627 |       1002.331 High-performing charter schools.—

1628 |       (2) A high-performing charter school is authorized to:

1629 |       (e) Receive a modification of its charter to a term of 15  
 1630 | years or a 15-year charter renewal. The charter may be modified  
 1631 | or renewed for a shorter term at the option of the high-  
 1632 | performing charter school. The charter must be consistent with  
 1633 | s. 1002.33(7)(a)20. ~~s. 1002.33(7)(a)19.~~ and (10)(h) and (i), is  
 1634 | subject to annual review by the sponsor, and may be terminated  
 1635 | during its term pursuant to s. 1002.33(8).

1636 |  
 1637 | A high-performing charter school shall notify its sponsor in  
 1638 | writing by March 1 if it intends to increase enrollment or  
 1639 | expand grade levels the following school year. The written  
 1640 | notice shall specify the amount of the enrollment increase and  
 1641 | the grade levels that will be added, as applicable. If a charter  
 1642 | school notifies the sponsor of its intent to expand, the sponsor  
 1643 | shall modify the charter within 90 days to include the new  
 1644 | enrollment maximum and may not make any other changes. The  
 1645 | sponsor may deny a request to increase the enrollment of a high-  
 1646 | performing charter school if the commissioner has declassified  
 1647 | the charter school as high-performing. If a high-performing  
 1648 | charter school requests to consolidate multiple charters, the  
 1649 | sponsor shall have 40 days after receipt of that request to  
 1650 | provide an initial draft charter to the charter school. The

1651 sponsor and charter school shall have 50 days thereafter to  
 1652 negotiate and notice the charter contract for final approval by  
 1653 the sponsor.

1654 Section 12. Paragraph (b) of subsection (2) of section  
 1655 1012.341, Florida Statutes, is amended to read:

1656 1012.341 Exemption from performance evaluation system and  
 1657 compensation and salary schedule requirements.—

1658 (2) By October 1 annually, the superintendent of  
 1659 Hillsborough County School District shall attest, in writing, to  
 1660 the Commissioner of Education that:

1661 (b) The instructional personnel and school administrator  
 1662 evaluation systems adopt the ~~Commissioner of Education's~~ student  
 1663 learning growth formula for statewide assessments as provided  
 1664 under s. 1012.34 ~~s. 1012.34(7)~~.

1665  
 1666 This section is repealed August 1, 2017, unless reviewed and  
 1667 reenacted by the Legislature.

1668 Section 13. Paragraph (b) of subsection (2) of section  
 1669 1012.562, Florida Statutes, is amended to read:

1670 1012.562 Public accountability and state approval of  
 1671 school leader preparation programs.—The Department of Education  
 1672 shall establish a process for the approval of Level I and Level  
 1673 II school leader preparation programs that will enable aspiring  
 1674 school leaders to obtain their certificate in educational  
 1675 leadership under s. 1012.56. School leader preparation programs

1676 must be competency-based, aligned to the principal leadership  
1677 standards adopted by the state board, and open to individuals  
1678 employed by public schools, including charter schools and  
1679 virtual schools. Level I programs may be offered by school  
1680 districts or postsecondary institutions and lead to initial  
1681 certification in educational leadership for the purpose of  
1682 preparing individuals to serve as school administrators. Level  
1683 II programs may be offered by school districts, build upon Level  
1684 I training, and lead to renewal certification as a school  
1685 principal.

1686 (2) LEVEL I PROGRAMS.—

1687 (b) Renewal of a Level I program's approval shall be for a  
1688 period of 5 years and shall be based upon evidence of the  
1689 program's continued ability to meet the requirements of  
1690 paragraph (a). A postsecondary institution or school district  
1691 must submit an institutional program evaluation plan in a format  
1692 prescribed by the department for a Level I program to be  
1693 considered for renewal. The plan must include:

1694 1. The percentage of personnel who complete the program  
1695 and are placed in school leadership positions in public schools  
1696 within the state.

1697 2. Results from the personnel evaluations required under  
1698 s. 1012.34 for personnel who complete the program.

1699 3. The passage rate of personnel who complete the program  
1700 on the Florida Education Leadership Examination.

HB 1249

2017

1701 4. The impact personnel who complete the program have on  
1702 student learning as measured by the formulas developed ~~by the~~  
1703 ~~commissioner~~ pursuant to s. 1012.34 ~~s. 1012.34(7)~~.

1704 5. Strategies for continuous improvement of the program.

1705 6. Strategies for involving personnel who complete the  
1706 program, other school personnel, community agencies, business  
1707 representatives, and other stakeholders in the program  
1708 evaluation process.

1709 7. Additional data included at the discretion of the  
1710 postsecondary institution or school district.

1711 Section 14. This act shall take effect July 1, 2017.