

**SB 346 by Simmons;** (Identical to H 0487) School Bus Stop Safety

**SB 616 by Legg;** (Compare to H 1177) Education Accountability

610298	PCS	S	RCS	ED		03/04 05:49 PM
865244	PCS:A	S	UNFAV	ED, Bullard	Before L.71:	03/04 05:49 PM
412336	PCS:A	S	UNFAV	ED, Bullard	Delete L.116 - 129:	03/04 05:49 PM
610440	PCS:A	S	UNFAV	ED, Bullard	Delete L.131:	03/04 05:49 PM
279278	PCS:A	S	UNFAV	ED, Bullard	btw L.209 - 210:	03/04 05:49 PM
537056	PCS:A	S	UNFAV	ED, Bullard	Delete L.387 - 482:	03/04 05:49 PM
226554	PCS:A	S	RCS	ED, Bullard	btw L.757 - 758:	03/04 05:49 PM
771912	PCS:A	S	WD	ED, Bullard	btw L.757 - 758:	03/04 05:49 PM

**SB 688 by Montford;** (Identical to H 0349) Opening and Closing of Public Schools

697848	A	S	RCS	ED, Montford	Delete L.43:	03/04 05:41 PM
386978	A	S L	WD	ED, Montford	Delete L.26 - 43.	03/04 03:08 PM

**SB 818 by Garcia;** (Compare to H 0665) Maximum Class Size

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION PRE-K - 12**  
**Senator Legg, Chair**  
**Senator Detert, Vice Chair**

**MEETING DATE:** Wednesday, March 4, 2015

**TIME:** 3:30 —5:30 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 346</b> Simmons (Identical H 487)	School Bus Stop Safety; Citing this act as the "Gabby's Law for School Bus Stop Safety"; revising penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; providing for criminal penalties under certain circumstances; amending provisions relating to application of specified provisions, disposition of penalty amounts received, and trauma payments, etc.  ED 03/04/2015 Favorable ATD FP	Favorable Yeas 11 Nays 0
<b>A proposed committee substitute</b> for the following bill (SB 616) is expected to be considered:			
2	<b>SB 616</b> Legg (Compare H 1177, H 1241, S 100, S 774, S 1544)	Education Accountability; Revising requirements for the administration of local assessments; revising the percentage thresholds for performance evaluation criteria for instructional personnel and school administrators; authorizing a school district to request approval from the state board to use student performance results on new statewide assessments for diagnostic and baseline purposes, etc.  ED 02/18/2015 Workshop-Discussed ED 03/04/2015 Fav/CS AED AP	Fav/CS Yeas 7 Nays 4
3	<b>SB 688</b> Montford (Identical H 349)	Opening and Closing of Public Schools; Revising a requirement for the uniform opening date of public schools; providing that academically high-performing school districts must comply with provisions relating to the uniform opening date of public schools, etc.  ED 03/04/2015 Fav/CS AED AP	Fav/CS Yeas 9 Nays 2

**COMMITTEE MEETING EXPANDED AGENDA**

Education Pre-K - 12

Wednesday, March 4, 2015, 3:30 —5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 818</b> Garcia (Compare H 665)	Maximum Class Size; Requiring the calculation of a school district's class size categorical allocation reduction at the school average when maximum class size requirements are not met; revising the calculation, etc.  ED 03/04/2015 Favorable AED AP	Favorable Yeas 9 Nays 2

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: SB 346

INTRODUCER: Senator Simmons

SUBJECT: School Bus Stop Safety

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u><b>Pre-meeting</b></u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**I. Summary:**

SB 346<sup>1</sup> reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving.

Additionally, the bill increases the penalties imposed for failing to stop for a school bus.

The bill provides for an effective date of October 1, 2015.

**II. Present Situation:**

**Transportation of Public K-12 Students<sup>2</sup>**

Each district school superintendent is responsible for determining the most safe, economical, and efficient ways to accommodate students who must be transported to and from school or to school activities.<sup>3</sup> Based on the district school superintendent's recommendations, the district school board adopts policies and rules for providing and operating school buses, appointing qualified school bus drivers, and establishing school bus stops.<sup>4</sup>

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<sup>1</sup> The bill is also known as "Gabby's Law for School Bus Stop Safety." In 2010, 12-year-old Gabrielle Mair was killed by a car shortly after exiting a school bus in DeBary, Florida. Orlando Sentinel article, January 28, 2015, *available at* <http://www.orlandosentinel.com/features/education/os-school-bus-law-florida-20150128-story.html> (last visited March 2, 2015).

<sup>2</sup> For further information, *see* <http://www.fldoe.org/schools/safe-healthy-schools/transportation/index.shtml> (last visited March 2, 2015).

<sup>3</sup> Section 1006.21(1) and (2), F.S. The State Board of Education further specifies in detail the duties and responsibilities of each school district regarding student transportation. Rule 6A-3.0171, F.A.C.

<sup>4</sup> Section 1006.22, F.S.

School buses are required to be equipped with safety belts or any other restraint system in compliance with standards required in federal and state law.<sup>5</sup> School buses must stop to the far right of a street if possible and display warning lights and stop signals before allowing children to enter or exit.<sup>6</sup>

### **Florida's School Bus Stop Law**

Florida law requires that any person, upon approaching a stopped school bus displaying a stop signal, bring his or her vehicle to a full stop until the signal has been withdrawn.<sup>7</sup> Furthermore, it is unlawful to pass a school bus on the side that children enter and exit while the school bus displays a stop signal.<sup>8</sup> However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus “upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.”<sup>9</sup>

If, at a hearing, a person is found to have failed to fully stop for or passed a stopped school bus,<sup>10</sup> both of which are noncriminal traffic infractions, the person must pay a minimum civil penalty of \$100 or \$200, respectively, plus an additional \$65.<sup>11</sup> For any subsequent violation, the Department of Highway Safety and Motor Vehicles, may suspend a person's driver license if such violation is committed within a period of 5 years after the first violation.<sup>12</sup>

### **Reckless Driving**

A person “who drives any vehicle in willful or wanton disregard for the safety of persons or property” or flees from a law enforcement officer in a vehicle shall be charged with reckless driving, which is a criminal offense.<sup>13</sup>

If convicted, a person is subject to punishment by imprisonment for a minimum of 90 days or by a minimum fine of \$25 and a maximum fine of \$500, or both.<sup>14</sup> For any subsequent conviction, a person is subject to punishment by imprisonment for a maximum of 6 months or by a minimum fine of \$50 and a maximum fine of \$1,000, or both.<sup>15</sup> If a person's reckless driving causes damage to person or property, he or she commits a first degree misdemeanor, punishable by imprisonment not exceeding 1 year or a maximum fine of \$1,000.<sup>16</sup> If a person's reckless driving

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<sup>5</sup> Sections 316.614 and 316.6145, F.S. *See* Federal Motor Vehicle Safety Standards, 49 C.F.R. s. 571.208 Standard No. 208.

<sup>6</sup> Section 316.172(3), F.S.

<sup>7</sup> Section 316.172(1), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at (2).

<sup>10</sup> If a person is cited for passing a stopped school bus he or she must attend a mandatory hearing at a specified time and location. ss. 316.17(1)(b) and 318.19(3), F.S.

<sup>11</sup> Section 318.18(5), F.S. The additional \$65 is remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health for the purpose of funding trauma centers. *See* s. 395.4036, F.S.

<sup>12</sup> *Id.* at 5(a) and (b). A person who passes a stopped school bus will receive 4 points on his or her driver license or, depending on the circumstances, his or her driver license may be suspended or, if a habitual traffic offender, shall be revoked. *See* s. 322.27(1)(f) and (3)(d)4., F.S. *See also* s. 322.264, F.S., for the definition of the term “habitual traffic offender.”

<sup>13</sup> Sections 316.192(1) and 318.17(4), F.S.

<sup>14</sup> Section 316.192(2)(a), F.S.

<sup>15</sup> *Id.* at (2)(b).

<sup>16</sup> Sections 316.192(3)(c)1., 775.082(4)(a), 775.083(1)(d), F.S. A court has the discretion to suspend or cancel a driver license and impose any other civil penalty it deems fit. s. 775.082(7), F.S.

causes serious bodily injury to another person, he or she commits a third degree felony, punishable by imprisonment not to exceed 5 years, a maximum fine of \$5,000 or, if a habitual felony offender, an extended term of imprisonment.<sup>17</sup>

### **III. Effect of Proposed Changes:**

SB 346 reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving.<sup>18</sup> Thus, any person who is convicted of committing such an offense is subject to more severe penalties, including imprisonment for longer periods of time, and increased fines.

Additionally, the bill increases penalties for failing to stop for a school bus. Under the bill, a person who commits such an offense is subject to an increased civil penalty in the amount of \$250 and, for subsequent violations, suspension of his or her driver license for a minimum of 6 months and a maximum of 1 year.

The bill provides for an effective date of October 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

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<sup>17</sup> Sections 316.192(3)(c)2., 775.082(3)(e), 775.083(1)(c), and 775.084(1)(a), F.S. (“Serious bodily injury” is defined as “an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”) s. 316.192(3)(c)2., F.S.

<sup>18</sup> The bill does not appear to have a significantly direct effect on school districts and it primarily concerns the jurisdictions of the Department of Highway Safety and Motor Vehicles, the Department of Transportation, and the Department of Health.

**C. Government Sector Impact:**

According to the Department of Revenue (DOR), the substance of the bill would not impact its core mission nor would it significantly increase the DOR's expenditures.<sup>19</sup> Furthermore, the DOR states that it does not conduct fiscal impact analyses for local and state governments; hence, it defers to the Revenue Estimating Conference for determining revenue impact, if any.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.172, 316.192, 318.17, 318.18, 318.21, and 395.4036.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>19</sup> Department of Revenue, 2015 Legislative Bill Analysis for HB 487 (Companion to SB 346), submitted February 5, 2015 (on file with the Committee on Education Pre-K – 12).

<sup>20</sup> *Id.*

By Senator Simmons

10-00347-15

2015346\_\_

A bill to be entitled

An act relating to school bus stop safety; providing a short title; amending ss. 316.172, 316.192, and 318.18, F.S.; revising penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; providing for criminal penalties under certain circumstances; amending ss. 318.17, 318.21, and 395.4036, F.S., relating to application of specified provisions, disposition of penalty amounts received, and trauma payments; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as "Gabby's Law for School Bus Stop Safety."

Section 2. Subsection (1) of section 316.172, Florida Statutes, is amended to read:

316.172 Traffic to stop for school bus.—

(1) (a) A ~~Any~~ person using, operating, or driving a vehicle on or over the roads or highways of this state shall, upon approaching a ~~any~~ school bus ~~that which~~ displays a stop signal, bring such vehicle to a full stop while the bus is stopped, and the vehicle may ~~shall~~ not pass the school bus until the signal has been withdrawn. Except as provided in paragraph (b), a person who violates this subsection ~~section~~ commits a moving violation, punishable as provided in chapter 318.

(b) A ~~Any~~ person using, operating, or driving a vehicle

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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that passes a school bus on the side that children enter and exit when the school bus displays a stop signal commits reckless driving ~~a moving violation~~, punishable as provided in s. 316.192 ~~chapter 318, and is subject to a mandatory hearing under the provisions of s. 318.19.~~

Section 3. Section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(1) (a) A ~~Any~~ person who drives a ~~any~~ vehicle in willful or wanton disregard for the safety of persons or property commits ~~is guilty of~~ reckless driving.

(b) Fleeing a law enforcement officer in a motor vehicle is reckless driving per se.

(2) Except as provided in subsection (3), a ~~any~~ person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period ~~of~~ not more than 90 days or by a fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment.

(3) A ~~Any~~ person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another commits a felony of the

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third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The term "serious bodily injury" means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(4) Notwithstanding any other provision of this section, \$5 shall be added to a fine imposed pursuant to this section. The clerk shall remit the \$5 to the Department of Revenue for deposit in the Emergency Medical Services Trust Fund.

(5) In addition to any other penalty provided under this section, if the court has reasonable cause to believe that the use of alcohol, chemical substances set forth in s. 877.111, or substances controlled under chapter 893 contributed to a violation of this section, the court shall direct the person so convicted to complete a DUI program substance abuse education course and evaluation as provided in s. 316.193(5) within a reasonable period of time specified by the court. If the DUI program conducting such course and evaluation refers the person to an authorized substance abuse treatment provider for substance abuse evaluation and treatment, the directive of the court requiring completion of such course, evaluation, and treatment shall be enforced as provided in s. 322.245. The referral to treatment resulting from the DUI program evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider, appointed by the court, which shall have access to the DUI program psychosocial evaluation before the independent psychosocial evaluation is conducted. The court shall review the

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results and recommendations of both evaluations before determining the request for waiver. The offender shall bear the full cost of this procedure. If a person directed to a DUI program substance abuse education course and evaluation or referred to treatment under this subsection fails to report for or complete such course, evaluation, or treatment, the DUI program shall notify the court and the department of the failure. Upon receipt of such notice, the department shall cancel the person's driving privilege, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may reinstate the driving privilege upon verification from the DUI program that the education, evaluation, and treatment are completed. The department may temporarily reinstate the driving privilege on a restricted basis upon verification that the offender is currently participating in treatment and has completed the DUI education course and evaluation requirement. If the DUI program notifies the department of the second failure to complete treatment, the department shall reinstate the driving privilege only after notice of successful completion of treatment from the DUI program.

(6) In addition, \$65 shall be added to a fine imposed pursuant to this section for a violation under s. 316.172(1)(b). The additional \$65 collected under this subsection shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036.

Section 4. Section 318.17, Florida Statutes, is amended to read:

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318.17 Offenses excepted.—No provision of this chapter is available to a person who is charged with any of the following offenses:

(1) Fleeing or attempting to elude a police officer, in violation of s. 316.1935.~~+~~

(2) Leaving the scene of a crash, in violation of ss. 316.027 and 316.061.~~+~~

(3) Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193, or driving with an unlawful blood-alcohol level.~~+~~

(4) Reckless driving under s. 316.172(1)(b) or, in violation of s. 316.192.~~+~~

(5) Making false crash reports, in violation of s. 316.067.~~+~~

(6) Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).~~+~~

(7) Obstructing an officer, in violation of s. 316.545(1).~~+~~  
~~or~~

(8) Any other offense in chapter 316 which is classified as a criminal violation.

Section 5. Subsection (5) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5) (a) Two hundred fifty ~~One hundred~~ dollars for a

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violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of ~~\$250~~ ~~\$100~~. In addition to this penalty, for a second or subsequent offense within ~~a period of~~ 5 years, the department shall suspend the driver license of the person for not less than 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.

~~(b) Two hundred dollars for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.~~

~~(b)(c)~~ In addition to the penalty under paragraph (a) ~~or~~ paragraph ~~(b)~~, \$65 for a violation of s. 316.172(1)(a) ~~or (b)~~. If the alleged offender is found to have committed the offense, the court shall impose the civil penalty under paragraph (a) ~~or~~ paragraph ~~(b)~~ plus an additional \$65. The additional \$65 collected under this paragraph shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036.

Section 6. Subsection (21) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the

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 175 provisions of this chapter shall be distributed and paid monthly  
 176 as follows:

177 (21) Notwithstanding subsections (1) and (2), the proceeds  
 178 from the additional penalties imposed pursuant to s.  
 179 318.18(5)(b) ~~s. 318.18(5)(c)~~ and (20) shall be distributed as  
 180 provided in that section.

181 Section 7. Paragraph (b) of subsection (1) of section  
 182 395.4036, Florida Statutes, is amended to read:

183 395.4036 Trauma payments.—

184 (1) Recognizing the Legislature's stated intent to provide  
 185 financial support to the current verified trauma centers and to  
 186 provide incentives for the establishment of additional trauma  
 187 centers as part of a system of state-sponsored trauma centers,  
 188 the department shall utilize funds collected under s. 318.18 and  
 189 deposited into the Emergency Medical Services Trust Fund of the  
 190 department to ensure the availability and accessibility of  
 191 trauma services throughout the state as provided in this  
 192 subsection.

193 (b) Funds collected under ss. 316.192(6) and 318.18(5)(b)  
 194 ~~s. 318.18(5)(c)~~ and (20) shall be distributed as follows:

195 1. Thirty percent of the total funds collected shall be  
 196 distributed to Level II trauma centers operated by a public  
 197 hospital governed by an elected board of directors as of  
 198 December 31, 2008.

199 2. Thirty-five percent of the total funds collected shall  
 200 be distributed to verified trauma centers based on trauma  
 201 caseload volume for the most recent calendar year available. The  
 202 determination of caseload volume for distribution of funds under  
 203 this subparagraph shall be based on the department's Trauma

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 204 Registry data.

205 3. Thirty-five percent of the total funds collected shall  
 206 be distributed to verified trauma centers based on severity of  
 207 trauma patients for the most recent calendar year available. The  
 208 determination of severity for distribution of funds under this  
 209 subparagraph shall be based on the department's International  
 210 Classification Injury Severity Scores or another statistically  
 211 valid and scientifically accepted method of stratifying a trauma  
 212 patient's severity of injury, risk of mortality, and resource  
 213 consumption as adopted by the department by rule, weighted based  
 214 on the costs associated with and incurred by the trauma center  
 215 in treating trauma patients. The weighting of scores shall be  
 216 established by the department by rule.

217 Section 8. This act shall take effect October 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-4-2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

346

Bill Number (if applicable)

Topic School Bus STOP SAFETY

Amendment Barcode (if applicable)

Name Donald Mair

Job Title Student

Address 1147 Pilgrim Av.

Phone 386-423-6464

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Deltona

City

FL

State

32725

Zip

Email gabbys Law @outlook.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Gabby Mair

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

346

Bill Number (if applicable)

Topic BUS STOP Safety

Amendment Barcode (if applicable)

Name Angie Gallo

Job Title Volunteer - Florida PTA

Address 14842 Bonnybridge Dr.

Phone 407-718-9925

Street

Mando FL 32826

City

State

Zip

Email agallo4wcafl.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: PCS/SB 616 (610298)

INTRODUCER: Committee on Education Pre-K - 12

SUBJECT: Education Accountability

DATE: March 3, 2015

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hand	Klebacha	ED	<b>Pre-meeting</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

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**I. Summary:**

PCS/SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

The bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill makes the following adjustments to student assessment, performance evaluation requirements and school accountability.

**Student Assessments**

The bill:

- Reduces the number of statutorily-required assessments by eliminating the current requirement that a school district administer a local assessment for each course that is not assessed by a statewide, standardized assessment.
- Reduces the total time devoted to testing by adding a provision limiting the amount of time for test administration by limiting to no more than 5% of total school hours per student, per year, but provides exemptions for certain tests and certain students.
- Provides for timely information to teachers and parents by adding in law a provision requiring school districts to make student performance results on district-required local assessment available to the student's teachers and parents within 30 days of test administration.
- Eliminates certain mandatory tests such as the Grade 11 Florida Standards Assessment (FSA) for English Language Arts (ELA) and the Postsecondary Education Readiness Test (PERT).

- Adds a new requirement for the State Board of Education to adopt in rule a notification form that districts must use to inform parents about 3rd grade retention and mid-year promotion and high school graduation requirements and available options.

### **Performance Evaluation Requirements**

The bill:

- Retains the ability for teachers and school administrators to receive performance pay adjustments if they meet specified conditions.
- Modifies teacher performance evaluations by requiring the student performance component to be at least 33%, the instructional practice component to constitute at least 33%, and the professional and job responsibilities component constitute no more than 33%.
- Adds a new requirement that the instructional practice component of a teacher's performance evaluation have multiple observations by administrative personnel.
- Authorizes a new requirement that the professional and job responsibilities component of a teacher's performance evaluation to utilize peer reviews.

### **School Accountability**

The bill creates, for schools and school districts that experience technical implementation issues during the 2014-2015 school year assessment, a one-time option to use the 2014-2015 school year test results for diagnostic and baseline purposes only.

The bill takes effect upon becoming law.

## **II. Present Situation:**

The education of children is a fundamental value of the people of the State of Florida.<sup>1</sup> It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders.<sup>2</sup> The Legislature, through the Florida K-20 Education Code, provides by law, a state system for all Florida's students to obtain a high quality education.<sup>3</sup>

The statutory mission of Florida's K-20 education system is to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.<sup>4</sup> The effectiveness of this education delivery system is assessed through the state's performance accountability system.<sup>5</sup>

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<sup>1</sup> Article IX, s. 1, Fla. Const.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1000.01, F.S.

<sup>4</sup> Section 1008.31(2)(a), F.S.

<sup>5</sup> Section 1008.31(1)(a), F.S.

The state's performance accountability system assesses the effectiveness of Florida's seamless K-20 education delivery system and is specifically intended to provide answers to the following questions in relation to its mission and goals:<sup>6</sup>

- What is the public receiving in return for funds it invests in education?
- How effectively is Florida's K-20 education system educating its students?
- How effectively are the major delivery sectors promoting student achievement?
- How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

### **Public School Student Assessment Program**

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.<sup>7</sup>

#### ***Statewide, Standardized Assessments***

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>8</sup> Specifically, the program is designed to:<sup>9</sup>

- Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.
- Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.
- Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.
- Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.
- Provide information to aid in the evaluation and development of educational programs and policies.

The commissioner is required to design and implement a statewide, standardized assessment program that is aligned to the core curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.<sup>10</sup> Participation in the assessment program is

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<sup>6</sup> Section 1008.31(1)(a), F.S. This performance accountability system is required to comply with the "No Child Left Behind Act of 2001," Pub. L. No. 107-110, and the Individuals with Disabilities Education Act (IDEA). Section 1008.31(1)(c), F.S. The Department of Education (DOE) is responsible for maintaining an accountability system that measures student progress toward the following goals. Section 1008.31(2)(c), F.S.

<sup>7</sup> Section 1008.22, F.S. Common placement testing is required for the purpose of assessing the skills of students who intend to enter a degree program at any public postsecondary educational institution. Section 1008.30, F.S. Before the beginning of grade 12, all students are required to have their college readiness evaluated. *Id.* The student's high school is required to identify deficiencies and require the student (in 12<sup>th</sup> grade) to complete appropriate postsecondary preparatory instruction before high school graduation. *Id.*

<sup>8</sup> Section 1008.22(1), F.S.

<sup>9</sup> Section 1008.22(1)(a)-(e), F.S.

<sup>10</sup> Section 1008.22(3), F.S.



mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma and students in Department of Juvenile Justice education programs, except as otherwise provided by law.<sup>11</sup>

Test accommodations are available for certain students, such as students with disabilities and English language learners.<sup>12</sup> Some accommodations may result in the need for longer test times for these students.<sup>13</sup>

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:<sup>14</sup>
  - English Language Arts (ELA) (grades 3 through 11);<sup>15</sup>
  - Mathematics (grades 3-8); and
  - Science (once at the elementary grade level and once at the middle grade level).<sup>16</sup>
- End-of-Course (EOC) assessments:<sup>17</sup>
  - Civics (once at middle grade level);
  - U.S. History EOC;
  - Algebra I EOC;
  - Algebra II EOC;
  - Geometry EOC; and
  - Biology I EOC.
- Florida Alternate Assessment (FAA) (assessment for students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation).<sup>18</sup>

### ***Local Assessments***

School districts are responsible for measuring student performance in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized

<sup>11</sup> *Id.*

<sup>12</sup> Department of Education, *2014-2015 FSA and FCAT/FCAT 2.0/NGSSS EOC Assessment Accommodations Frequently Asked Questions (FAQ)*, available at <http://fsassessments.org/wp-content/uploads/2015/01/2014-2015-Assessment-Accommodations-FAQ.pdf>

<sup>13</sup> *Id.*

<sup>14</sup> Section 1008.22(3)(a), F.S. The Elementary and Secondary Education Act of 1965 (ESEA) requires states to implement “a set of high-quality, yearly academic assessments that includes, at a minimum, assessments in mathematics, reading or language arts, and science. With respect to reading/language arts and mathematics, the assessments must be administered in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, the assessments must be administered not less than once during grades 3 through 5, grades 6 through 9, and grades 10 through 12.” U.S. Department of Education, *Letter to Colorado Commissioner of Education, Robert K. Hammond* (Oct. 3, 2014) on file with the Committee on Education Pre-K-12 staff; *see also* 20 U.S.C. s. 6311(b)(3).

<sup>15</sup> Pursuant to standard high school diploma requirements, a student must pass the grade 10 English Language Arts (ELA) assessment or earn a concordant score. Sections 1003.4282(3)(a) and 1008.22(7), F.S. For scholar designation on a standard high school diploma, a student must pass the grade 11 ELA assessment. Section 1003.4285(1)(a)1., F.S.

<sup>16</sup> Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades five and eight to take the FCAT 2.0 Science.

<sup>17</sup> Section 1008.22(3)(b), F.S. Pursuant to standard high school diploma requirements, a student must pass the Algebra I EOC. *Id.* For scholar designation on a standard high school diploma, a student must pass Algebra II EOC, Geometry EOC, Biology I EOC, and U.S. History EOC assessments. Section 1003.4285(1)(a)2.-4., F.S.

<sup>18</sup> Section 1008.22(3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(9), F.S.

assessment program.<sup>19</sup> Except for those subjects and grade levels measured under the statewide, standardized assessment program, beginning with the 2014-2015 school year, each school district must administer for each course offered in the district a local assessment that measures student mastery of course content at the necessary level of rigor for the course.<sup>20</sup> Each district school board must adopt policies for selecting, developing, administering, and scoring local assessments and for collecting assessment results.<sup>21</sup> For subjects and grade levels not measured by statewide, standardized assessments, a school district must administer local assessments but is authorized to choose the assessment to be administered from the following options:<sup>22</sup>

- Statewide assessments.
- Other standardized assessments, including nationally recognized standardized assessments.
- Industry certification assessments.
- District-developed or district-selected end-of-course assessments.
- Teacher-selected or principal-selected assessments.

To administer the state assessment program for statewide, standardized assessments and local assessments, the commissioner must:

- Develop or obtain statewide, standardized assessments, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.<sup>23</sup>
- Recommend, for approval by the State Board of Education (SBE), passing scores on statewide, standardized assessments in the form of achievement levels ranging from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>24</sup>
- Establish implementation schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>25</sup>
- Provide, at a minimum, statewide, standardized assessment data analysis showing student achievement levels and learning gains by teacher, school, and school district.<sup>26</sup>
- Identify methods to assist and support districts in the development and acquisition of assessments which may include developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.<sup>27</sup>
- Identify, for approval by the SBE, one or more comparative scores for the Algebra I EOC assessment.<sup>28</sup>
- Identify, for approval by the SBE, scores on the SAT and ACT that, if achieved, satisfy the graduation requirement that a student pass the grade 10 statewide, standardized English

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<sup>19</sup> Section 1008.22(6)(a), F.S.

<sup>20</sup> Section 1008.22(6)(b), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> Section 1008.22(6)(b), F.S.; Local assessments may include a variety of assessment formats, including, but not limited to, project-based assessments, adjudicated performances, and practical application assignments. Section 1008.22(6)(c), F.S.

<sup>23</sup> Section 1008.22(3)(h), F.S.

<sup>24</sup> Section 1008.22(3)(e), F.S.

<sup>25</sup> Section 1008.22(3)(d), F.S.

<sup>26</sup> Section 1008.22(5), F.S.

<sup>27</sup> Section 1008.22(6)(d), F.S.

<sup>28</sup> Section 1008.22(8), F.S.

Language Arts assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT.<sup>29</sup>

### **Educator Performance Evaluations**

All instructional personnel<sup>30</sup> and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.<sup>31</sup> The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.<sup>32</sup> Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities.<sup>33</sup> Instructional leadership practices are also included in school administrator evaluations.<sup>34</sup>

Each district superintendent must establish procedures for evaluating the performance of all instructional, administrative, and supervisory personnel employed by the school district.<sup>35</sup> The superintendents must also annually report evaluation results for instructional personnel and school administrators to the DOE.<sup>36</sup> The DOE approves all district evaluation systems and monitors implementation for compliance with law.<sup>37</sup>

Public school personnel evaluations must be used to designate instructional personnel and school administrators as "highly effective," "effective," "needs improvement" (or, for instructional personnel in the first three years of employment who need improvement, "developing"), or "unsatisfactory."<sup>38</sup> Evaluations occur annually, except classroom teachers newly hired by a district are evaluated at least twice during their first year of teaching in the school district.<sup>39</sup>

Performance evaluations are comprised of components of student performance, instructional practice, institutional leadership, and professional and job responsibilities.

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<sup>29</sup> Section 1008.22(7), F.S.

<sup>30</sup> Instructional personnel include classroom teachers and other instructional personnel, such as certified school counselors, librarians, and learning resource specialists. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

<sup>31</sup> Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school district. *Id.*

<sup>32</sup> Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

<sup>33</sup> Section 1012.34(3)(a)1. and 4., F.S.

<sup>34</sup> Section 1012.34(3)(a)3., F.S.

<sup>35</sup> Section 1012.34(1)(a), F.S.

<sup>36</sup> Section 1012.34(1)(a), F.S.

<sup>37</sup> Section 1012.34(1)(b), F.S. By December 1 of each year, the commissioner must report to the Governor, President of the Senate, and Speaker of the House of Representatives the approval and implementation status of each school district's instructional personnel and school administrator evaluation systems. The report must include evaluation results for instructional personnel and school administrators. Section 1012.34(1)(c), F.S.

<sup>38</sup> Section 1012.34(2)(e), F.S.

<sup>39</sup> Section 1012.34(3)(a), F.S.

***Student Performance***

Student performance includes data and indicators of student learning growth<sup>40</sup> based on student performance on annual statewide assessments or, for subjects and grade levels not tested by statewide assessments, school district assessments.<sup>41</sup> Student performance must constitute at least 50 percent of a classroom teacher's or school administrator's evaluation.<sup>42</sup>

For classroom teachers, excluding substitute teachers, student performance must include student learning growth data for students assigned to the teacher over the course of at least 3 years.<sup>43</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>44</sup>

For other instructional personnel who are not classroom teachers, student performance must include student learning growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years<sup>45</sup> and must comprise at least 30 percent of the evaluation or, if less than 3 years of data are available, then not less than 20 percent.<sup>46</sup>

For school administrators, student performance must include student learning growth data for students assigned to the school over the course of at least 3 years.<sup>47</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>48</sup>

***Instructional Practice***

Instructional practice is a component of instructional personnel evaluations which consists of evaluation criteria used in annually observing classroom teachers.<sup>49</sup> The evaluation criteria must include indicators based on each of Florida Educator Accomplished Practices (FEAP) adopted in rule by the SBE.<sup>50</sup> For instructional personnel who are not classroom teachers, the evaluation criteria must be based on FEAP indicators and may include specific job expectations related to student support.<sup>51</sup>

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<sup>40</sup> Section 1012.34(8), F.S. The formula is known as the "value added model" (VAM). Section 1012.34(7)(a), F.S.

<sup>41</sup> Sections 1012.34(3)(a)1. and 1008.22(6), F.S. Each school district must publish on its website testing schedules for the administration of district-mandated assessments and report the schedules annually to the DOE by October 1. Section 1008.22(6)(e), F.S.

<sup>42</sup> Sections 1012.34(3)(a)1., F.S.

<sup>43</sup> Section 10102.34(3)(a)1.a., F.S.

<sup>44</sup> Section 1012.34(3)(a)1.a., F.S.

<sup>45</sup> The student performance component for instructional personnel who are not classroom teachers may include student learning growth data and other measurable student outcomes specific to the position. Section 1012.34(1)(a)1.b., F.S.

<sup>46</sup> Section 1012.34(3)(a)1.b., F.S.

<sup>47</sup> Section 1012.34(3)(a)1.c., F.S.

<sup>48</sup> Section 1012.34(3)(a)1.c.

<sup>49</sup> Section 1012.34(3)(a)2., F.S.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

### ***Instructional Leadership***

Instructional leadership is a component of school administrator evaluations and consists of indicators based on each of the leadership standards adopted in rule by the SBE.<sup>52</sup>

### ***Professional and Job Responsibilities***

The professional and job responsibilities component of an evaluation must include additional professional and job responsibilities as adopted in SBE rule.<sup>53</sup> District school boards may identify professional and job responsibilities in addition to those identified by the SBE.<sup>54</sup>

### **Statewide Public School Accountability System**

Florida's school grading system was created in 1999 as a part of substantial changes to the state's school improvement and accountability system.<sup>55</sup> The law designated school grade categories and specified the metrics used to measure school performance.<sup>56</sup> School improvement ratings were also established in 1999<sup>57</sup> as another measure of school accountability for schools that meet specified criteria.<sup>58</sup>

### ***School Grades***

The measure of school accountability is the school grade.<sup>59</sup> The following letter grades are used to designate school performance.<sup>60</sup>

- "A," schools making excellent progress.
- "B," schools making above average progress.
- "C," schools making satisfactory progress.
- "D," schools making less than satisfactory progress.
- "F," schools failing to make adequate progress.

The basic school grade model used for elementary, middle, and high schools is based upon the percentage of total possible points earned by a school for student achievement scores on specified statewide, standardized assessments; student learning gains on statewide, standardized English Language Arts and mathematics assessments; and the improvement of the lowest 25 percent of students in the school in reading and mathematics.<sup>61</sup> School grades for middle schools and high schools are additionally customized as follows:

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<sup>52</sup> Section 1012.34(3)(a)3., F.S.

<sup>53</sup> Section 1012.34(3)(a)4., F.S.

<sup>54</sup> Section 1012.34(3)(a)4., F.S.

<sup>55</sup> Section 7 of chapter 99-398, L.O.F., *codified in* s. 229.57, F.S., *subsequently repealed by* s. 378, ch. 2002-387, L.O.F, and *codified in* s. 1008.34, F.S.

<sup>56</sup> *Id.*

<sup>57</sup> Section 7, ch. 99-398, L.O.F.

<sup>58</sup> Section 1008.341, F.S.

<sup>59</sup> Rule 6A-1.09981(3), F.A.C.

<sup>60</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981(6)(a), F.A.C.

<sup>61</sup> Section 1008.34(3)(b)1., F.S.

- School grades for middle schools include an additional component measuring the percentage of students passing high school level EOC assessments or attaining national industry certifications.<sup>62</sup>
- High school grades are calculated by also including a school's four-year graduation rate and the percentage of the school's students who are eligible to earn college and career credit through accelerated courses or who attain national industry certifications.<sup>63</sup>

The procedure for calculating the school grade and the scale used to determine a school grade are specified in SBE rule.<sup>64</sup>

### ***School Improvement Ratings***

School improvement ratings are indicators of whether the performance of an alternative school that provides dropouts prevention and academic intervention services has improved, remained the same, or declined compared to the prior year, based on student learning gains on statewide standardized assessments.<sup>65</sup> Alternative schools and ESE centers may choose to receive a school improvement rating instead of a school grade.<sup>66</sup> An alternative school that earns a school improvement rating receives one of the following ratings:<sup>67</sup>

- “Commendable” – a significant percentage of the students attending the school are making learning gains;
- “Maintaining” – a sufficient percentage of the students attending the school are making learning gains; or
- “Unsatisfactory” – students attending are making less academic progress at the alternative school than when the students were served in their home schools.

School improvement ratings are based on the following two components:<sup>68</sup>

- The percentage of eligible students who make learning gains in English Language Arts, as measured by statewide, standardized assessments; and
- The percentage of eligible students who make learning gains in mathematics, as measured by statewide, standardized assessments.

### **2014-2015 Transition Year**

The 2013-2014 school year was the final year student performance results on statewide, standardized reading, writing, and mathematics assessments (aligned to an earlier set of academic standards)<sup>69</sup> were used to calculate school grades, school improvement ratings, and districts grades and evaluate public education personnel.<sup>70</sup>

<sup>62</sup> Section 1008.34(3)(b)i., F.S. The industry certifications must be identified in the Industry Certification Funding List adopted by the State Board of Education. *Id.*

<sup>63</sup> Section 1008.34(3)(b)2., F.S.

<sup>64</sup> Section 1008.34(3)(c)1., F.S.

<sup>65</sup> See s. 1008.341(2), F.S.; Rule 6A-1.099822(5)(b), F.A.C.

<sup>66</sup> Sections 1008.341(2) and 1008.3415(1), F.S.

<sup>67</sup> *Id.*

<sup>68</sup> Section 1008.341(3)(a) and (b), F.S.

<sup>69</sup> Statewide assessments include FCAT writing, FCAT 2.0, and end of course (EOC) assessments. See Section 1008.22, F.S.

<sup>70</sup> Florida Department of Education, *Just for Parents* (June/July 2014), available at <http://www.fldoe.org/core/fileparse.php/7743/urlt/0078176-junejuly.pdf>.

On February 18, 2014, the SBE adopted new state standards, called the Florida Standards, for ELA and mathematics.<sup>71</sup> Through a competitive bid process, on March 17, 2014, the commissioner announced the selection of the American Institutes for Research to develop the statewide, standardized English Language Arts and mathematics assessments aligned to the Florida Standards.<sup>72</sup> The new ELA and mathematics assessments are being administered for the first time during the 2014-2015 school year.<sup>73</sup>

To facilitate Florida's transition to the Florida Standards and associated assessments, the 2014 Legislature established the 2014-2015 school year as an informational baseline year for schools to work toward improved performance in future years.<sup>74</sup> The results of statewide, standardized assessments, including the Florida Standards assessments, administered in the spring of 2015 will be used to calculate school grades and school improvement ratings; however, schools will be held harmless and insulated from any penalty or reclassification that would otherwise result from the school's 2014-2015 grade.<sup>75</sup> Consequently, a school will not be required to select an implement a turnaround option in the 2015-2016 school year based on the school's 2014-2015 grade or school improvement rating.<sup>76</sup> Schools, based on grades calculated during the transition year, will be eligible to receive school recognition funds based on their performance.<sup>77</sup>

### III. Effect of Proposed Changes:

PCS/SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

The bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill makes the following adjustments to student assessment, performance evaluation requirements and school accountability.

#### Student Assessments

The bill:

- Reduces the number of statutorily-required assessments by eliminating the current requirement that a school district administer a local assessment for each course that is not assessed by a statewide, standardized assessment.

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<sup>71</sup> Florida State Board of Education, *Minutes of February 18, 2014*, available at <http://www.fldoe.org/core/fileparse.php/5444/urlt/0074998-minutes.pdf>.

<sup>72</sup> Florida Department of Education, *With Students as Top Priority, Florida Chooses Replacement for FCAT*, Press Release (Mar. 17, 2014).

<sup>73</sup> Department of Education, *Florida Standards Assessments Information for Families*, available at <http://www.fsassessments.org/wp-content/uploads/2014/09/Florida-Family-Brochure-v6-2.pdf>.

<sup>74</sup> Section 1008.34(7), F.S.

<sup>75</sup> Section 1, ch. 2014-23, L.O.F.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

- Reduces the total time devoted to testing by adding a provision limiting the amount of time for test administration by limiting to no more than 5% of total school hours per student, per year, during a school year that a student can be required to take state-required and locally-required tests.<sup>78</sup>
  - Exemptions are allowed to the 5% testing limit as follows: a parent may consent to additional assessments, students may take certain assessments, for use as end-of-course assessments<sup>79</sup> or to demonstrate college readiness,<sup>80</sup> and for a student with test accommodations via an Individual Education Plan (IEP) or English Language Learner (ELL) plan.<sup>81</sup>
- Provides for timely information to teachers and parents by adding in law a provision requiring school districts to make student performance results on district-required local assessment available to the student's teachers and parents within 30 days of test administration.<sup>82</sup>
- Amends current law regarding mandatory assessments and progress monitoring by:
  - Removing the requirement to take the grade 11 Florida Standards English Language Arts (ELA) assessment.
  - Removing the grade 11 FSA ELA assessment as a requirement to earn a scholar designation on a student's standard high school diploma.
  - Adding a requirement prohibiting administration of a local assessment if a statewide, standardized assessment is administered for the subject or grade level.
  - Removing the administration of the common placement test (e.g., Postsecondary Education Readiness Test or PERT) as a requirement in high school and makes the administration optional at the request of parents. Adds authority for districts to administer PERT, SAT, ACT, or other assessments. Removes the requirement for remedial instruction.<sup>83</sup>
  - Removing the requirement for progress monitoring, but retains the requirement for students performing at level 1 and level 2.

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<sup>78</sup> Instruction in a standard school for a full time student consists of at least 900 net hours for a student in grades 4-12, and 720 net hours for a student in kindergarten through grade 3. Section 1011.61(1)(a)1., F.S. The 5% testing limit thus equals 45 hours for grades 4-12 and 36 hours for kindergarten through grade 3.

<sup>79</sup> "The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments." Section 1008.22(3)(b)4., F.S.

<sup>80</sup> Students may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315, F.A.C.

<sup>81</sup> The 5% testing limit does not interfere with a student's ability to take AP, IB, AICE, dual enrollment, industry certification, AAT and ACT assessments.

<sup>82</sup> There is no requirement in state law for a school district to provide results of such assessments to teachers, students or parents within a certain time frame.

<sup>83</sup> One result of the state's performance accountability system is a requirement that high school students who score Level 1 or 2 to complete an intensive remedial course the following year. Section 1002.4282(5)(a), F.S. Another result is a requirement that students who score less than Level 3 on the English Language Arts or Mathematics assessments to undergo progress monitoring. Section 1008.25, F.S.



- Adds a new requirement for the State Board of Education (SBE) to adopt in rule a notification form that districts must use to inform parents about 3rd grade retention and mid-year promotion and high school graduation requirements and available options.<sup>84</sup>

### **Performance Evaluation Requirements**

The bill:

- Retains the ability for teachers and school administrators to receive performance pay adjustments, if they choose to have the student performance component of their performance evaluation based on a statewide or other standardized assessment, industry certification assessment, or a district-developed or selected assessment.
- Modifies the student performance component of teacher performance evaluations by lowering the component from at least 50% to at least 33% of a teacher's total performance evaluation. Adds a requirement that the instructional practice component to constitute at least 33% of a teacher's total performance evaluation. Adds a requirement that the professional and job responsibilities component constitute no more than 33% of a teacher's total performance evaluation.
- Adds a new requirement that the instructional practice component of a teacher's performance evaluation have multiple observations by administrative personnel.<sup>85</sup>
- Authorizes a new requirement that the professional and job responsibilities component of a teacher's performance evaluation to utilize peer reviews.<sup>86</sup>

### **School Accountability**

The bill:

- Creates, for schools and school districts that experience technical implementation issues during the 2014-2015 school year assessment, a one-time option for superintendents, with a majority vote of the district school board, to adopt a corrective action plan and seek approval from the State Board of Education to use the 2014-2015 school year test results for diagnostic and baseline purposes only.<sup>87</sup> If approved, the school district forfeits designation as an academically-high performing school district, if applicable, and the school forfeits school recognition funding.

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<sup>84</sup> State law identifies grade 3 retention and midyear promotion requirements, and high school graduation requirements; however, it does not specifically require the Department of Education – either annually or contemporaneously with the provision of assessments results – to notify parents and students of such requirements in a clear and effective manner that is easily understood.

<sup>85</sup> Current law permits only one observation of a classroom teacher, multiple observations are not required. Section 1012.34(3)(a)2., F.S.

<sup>86</sup> Current law does not specifically authorize peer reviews to be utilized as part of the professional and job responsibilities evaluation component. Section 1012.34(3)(a)4., F.S.

<sup>87</sup> Superintendents must annually certify certain readiness for state assessments. Florida Department of Education, *2014-2015 Computer-Based Assessment Certification Process*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7126/dps-2014-122.pdf>. For the certification for the Spring 2015 Computer-Based Testing for the Florida Standards Assessment: 16 superintendents' certification forms contained an addendum, 19 superintendents requested an extension of time to file the certification, and 27 superintendents submitted the certification. E-mail, Florida Department of Education (February 16, 2016), on file Committee on Education Pre-K-12 staff.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.03, 1003.4282, 1003.4285, 1008.22, 1008.25, 1008.30, 1008.34, 1012.22, 1012.34, and 1012.3401.

This bill creates an undesignated section of the Florida law.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**PCS (610298) by Education Pre-K-12 on March 4, 2015:**

The proposed committee substitute makes the following changes to SB 616:

**Student Assessments**

- Clarifies that the 5% testing limit is per student per school year.
- Clarifies an exception to the 5% testing limit, so that students may take assessments associated with acceleration mechanisms and industry certifications and assessments to demonstrate college readiness, and
- Adds an additional exception to the 5% testing limit by exempting test times associated with student Individual Education Plan (IEP) or English Language Learner (ELL) plan accommodations.
- Adds new requirement for districts to make student performance results on district-required local assessment available to the student's teachers and parents within 30 days of test administration.
- Adds a new requirement for the State Board of Education (SBE) to adopt in rule a notification form that districts must use to inform parents about 3rd grade retention and mid-year promotion and high school graduation requirements and available options.

**Performance Evaluation Requirements**

- Modifies the student performance component of teacher performance evaluations by lowering the component from at least 40% to at least 33% of a teacher's total performance evaluation, and increases the instructional practice and professional and job responsibilities components percentages from 30% to 33%.
- Adds a new requirement that the instructional practice component of a teacher's performance evaluation have multiple observations by administrative personnel.
- Authorizes a new requirement that the professional and job responsibilities component of a teacher's performance evaluation to utilize peer reviews.

**School Accountability**

- Retains provision creating the one-time, district contingency option for the 2014-2015 school year with the following modification:
  - Changes, from supermajority to majority vote of school board, the requirement to pursue SBE approval to pursue a waiver.
  - Limits the reason a district is authorized to request a waiver from any implementation failure to only a technical implementation failure.
  - Clarifies that a school board must adopt the corrective action plan submitted along with the district's waiver request to the SBE.

**B. Amendments:**

None.



865244

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Before line 71  
insert:

Section 1. Notwithstanding any other requirement in the Florida K-20 Education Code to the contrary, the administration of the statewide, standardized assessments required under s. 1008.22, Florida Statutes, is suspended until the Office of Program Policy Analysis and Government Accountability completes a 1-year study, beginning no later than August 1, 2015,



865244

assessing the cost-effectiveness of the leasing by the  
Department of Education of examination questions from the  
American Institute for Research as compared to the use of  
questions from an existing examination.

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

And the title is amended as follows:

    Delete line 2

and insert:

    An act relating to education accountability;  
    suspending the administration of the statewide,  
    standardized assessments until completion of a study  
    by the Office of Program Policy Analysis and  
    Government Accountability; amending



412336

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 116 - 129  
and insert:  
students in grades 3 through 9 ~~11~~. Retake opportunities for the  
grade 10 Reading assessment or, upon implementation, the grade 9  
~~10~~ ELA assessment must be provided. In lieu of the grade 10 ELA  
assessment, the Preliminary SAT/National Merit Scholarship  
Qualifying Test (PSAT/NMSQT) must be provided. Students taking  
the ELA assessments shall not take the statewide, standardized



412336

assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 9 ~~10~~ ELA assessment must earn a passing

Between lines 209 and 210  
insert:

(7) CONCORDANT SCORES.—The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 statewide, standardized Reading assessment or, upon implementation, the grade 9 ~~10~~ ELA assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT. If the content or scoring procedures change for the grade 10 Reading assessment or, upon implementation, the grade 9 ~~10~~ ELA assessment, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====



412336

40 And the directory clause is amended as follows:  
41       Delete lines 87 - 88  
42 and insert:  
43       Section 2. Paragraph (a) of subsection (3) and subsections  
44 (6) and (7) of section 1008.22, Florida Statutes, are amended to  
45 read:  
46  
47 ===== T I T L E   A M E N D M E N T =====  
48 And the title is amended as follows:  
49       Delete line 10  
50 and insert:  
51       grades 10 and 11; requiring that the Preliminary  
52 SAT/National Merit Scholarship Qualifying Test  
53 (PSAT/NMSQT) be offered in lieu of the grade 10 ELA  
54 assessment; prohibiting a school district from





610440

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 131  
and insert:  
authorized under subsection (7). A student's parent may choose to have the student's concordant score on an existing state-sponsored or mandated examination be used in lieu of the statewide, standardized assessments to satisfy high school graduation requirements.



610440

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete line 10

14 and insert:

15 grade 11; authorizing a student's parent to choose to  
16 have a concordant score on certain examinations be  
17 used in lieu of the statewide, standardized  
18 assessments; prohibiting a school district from



279278

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 209 and 210  
insert:

Section 3. Section 1008.222, Florida Statutes, is created  
to read:

1008.222 Administration of assessments.—Notwithstanding any  
other provision of law, each public school and school district  
shall allow a parent of a student to elect to have any  
statewide, standardized assessment required under s. 1008.22



279278

administered to the student in a hard copy format until the  
technology infrastructure, connectivity, and capacity of all  
public schools and school districts have been load tested;  
independently verified as appropriate, adequate, efficient, and  
sustainable; and certified by the district school  
superintendents as ready for the successful deployment of online  
assessments.

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

And the title is amended as follows:

Delete line 27

and insert:

and publication of testing schedules; creating s.  
1008.222, F.S.; requiring public schools and school  
districts to allow a parent of a student to elect to  
have specified assessments administered to the student  
in a hard copy format until certain criteria have been  
satisfied by all public schools and school districts;  
amending s.



537056

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 387 - 482

and insert:

school improvement ratings pursuant to s. 1008.341 for the 2014-2015 and 2015-2016 ~~2013-2014~~ school years ~~year~~ shall be calculated based on statutes and rules in effect on June 30, 2014. To assist in the transition to 2014-2015 school grades, calculated based on new statewide, standardized assessments administered pursuant to s. 1008.22, the 2014-2015 school grades



537056

11 ~~shall~~ serve as an informational baseline for schools to work  
12 toward improved performance in future years. Accordingly,  
13 notwithstanding any other provision of law:

14 (a) A school may not be required to select and implement a  
15 turnaround option pursuant to s. 1008.33 in the 2015-2016 or  
16 2016-2017 school year based on the school's 2014-2015 or 2015-  
17 2016 grade or school improvement rating under s. 1008.341, as  
18 applicable.

19 (b)1. A school or approved provider under s. 1002.45 ~~that~~  
20 ~~receives the same or a lower school grade or school improvement~~  
21 ~~rating for the 2014-2015 school year compared to the 2013-2014~~  
22 ~~school year~~ is not subject to sanctions or penalties that would  
23 otherwise occur as a result of the 2014-2015 or 2015-2016 school  
24 grade or rating. A charter school system or a school district  
25 designated as high performing may not lose the designation based  
26 on the 2014-2015 or 2015-2016 school grades of any of the  
27 schools within the charter school system or school district, as  
28 applicable.

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

32 (c) For purposes of determining grade 3 retention pursuant  
33 to s. 1008.25(5) and high school graduation pursuant to s.  
34 1003.4282, student performance on the 2014-2015 statewide,  
35 standardized assessments shall be linked to 2013-2014 student  
36 performance expectations.

37  
38 This subsection is repealed July 1, 2017.

39 Section 6. Paragraph (a) of subsection (3) and subsections



537056

(7) and (8) of section 1012.34, Florida Statutes, are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

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

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

1. Performance of students.—At least 33 ~~50~~ percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments pursuant



537056

to subsection (7) ~~as provided in s. 1008.22(6)~~. Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).

a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth portion of the evaluation must include growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 30 ~~40~~ percent.

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

c. For school administrators, the student learning growth portion of the evaluation must include growth data for students





537056

assigned to the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 30 ~~40~~ percent.

d. Notwithstanding any other provision of law, performance evaluations based upon data and indicators for the 2014-2015 and 2015-2016 school years may not use student learning growth as required under this subparagraph if such use would result in a lower level of performance as specified in paragraph (2)(e) than the level of performance which would result without the use of student learning growth.

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

And the title is amended as follows:

Delete lines 40 - 44

and insert:

amending s. 1008.34, F.S.; providing that school grades and school improvement ratings for specified school years shall serve as an informational baseline; prohibiting a school from being required to implement a school turnaround option in a specified school year based on certain school grades or improvement ratings; prohibiting a virtual instruction program from being subject to sanctions or penalties based on certain school grades or improvement ratings; prohibiting a charter school system or school district from losing a designation as high performing based on certain school grades or improvement ratings in a specified school



537056

127        year; amending s. 1012.34, F.S.; revising the  
128        percentage thresholds for performance evaluation  
129        criteria for instructional personnel and school  
130        administrators; prohibiting the use of student  
131        learning growth in performance evaluations under  
132        certain circumstances; authorizing use of peer reviews



226554

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 757 and 758  
insert:

Section 9. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a year-long study, beginning no later than August 1, 2015, to assess the cost-effectiveness of the Department of Education leasing examination questions from the American Institute for Research compared with using questions from an existing examination. No



226554

later than December 1, 2016, OPPAGA shall provide a report  
summarizing the findings of the study to the President of the  
Senate and the Speaker of the House of Representatives.

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

And the title is amended as follows:

    Delete line 64

and insert:

    2015 school year; providing for expiration; requiring  
    the Office of Program Policy Analysis and Government  
    Accountability (OPPAGA) to complete a study regarding  
    the leasing of examination questions; requiring OPPAGA  
    to submit a report summarizing the study findings to  
    the Legislature by a specified date; amending



771912

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2015	.	
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The Committee on Education Pre-K - 12 (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 757 and 758  
insert:

Section 9. Notwithstanding any other law, each district school board shall implement a program that studies and assesses the effectiveness of using statewide, standardized comprehensive examinations to achieve the purpose of the student assessment program for public schools specified in s. 1008.22(1), Florida Statutes. Before a statewide, standardized comprehensive



771912

examination is administered, each district school board and the  
Department of Education must concur in the effectiveness of the  
examination as an accurate and reliable assessment tool.

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

And the title is amended as follows:

    Delete line 64

and insert:

    2015 school year; providing for expiration; requiring  
    district school boards to implement a program studying  
    and assessing the effectiveness of using statewide,  
    standardized comprehensive assessments; requiring each  
    district school board and the Department of Education  
    to concur in the effectiveness of the examination  
    before administration; amending



610298

581-01768B-15

Proposed Committee Substitute by the Committee on Education Pre-  
K - 12

A bill to be entitled

An act relating to education accountability; amending  
s. 1001.03, F.S.; revising the powers of the State  
Board of Education to require adoption of rules  
regarding notification forms for grade 3 retention and  
midyear promotion, and high school graduation  
requirements and options; amending s. 1008.22, F.S.;  
removing the requirement that English Language Arts  
statewide assessments be administered to students in  
grade 11; prohibiting a school district from  
administering a local assessment on a subject measured  
under a statewide assessment; requiring a school  
district to provide a student's performance results on  
local assessments within a specified timeframe;  
revising requirements for the administration of local  
assessments; transferring provisions relating to  
district school board policies regarding assessments;  
restricting the amount of school hours that a school  
district may dedicate to administer specified  
assessments; providing exceptions; requiring a school  
district to secure consent of a student's parent if  
school hours dedicated to the administration of local  
assessments exceed the threshold amount; authorizing a  
student to take an examination or assessment adopted  
pursuant to State Board of Education rule; revising  
requirements regarding the school district's adoption  
and publication of testing schedules; amending s.



610298

581-01768B-15

1008.25, F.S.; revising requirements for a district  
school board's comprehensive student progression plan;  
removing references regarding local assessments;  
revising requirements regarding instruction and  
reassessment of students who exhibit a reading  
deficiency; amending s. 1008.30, F.S.; specifying  
alternative assessments that may be accepted by public  
postsecondary educational institutions in lieu of the  
common placement test; revising requirements for state  
board rules regarding common placement testing;  
authorizing, rather than requiring, high schools to  
perform specified college readiness evaluations;  
amending s. 1008.34, F.S.; adding references to school  
improvement ratings; amending s. 1012.34, F.S.;  
revising the percentage thresholds for performance  
evaluation criteria for instructional personnel and  
school administrators; authorizing use of peer reviews  
under the professional and job responsibilities  
component of the evaluation; specifying standards for  
the content and the administration of local  
assessments; specifying requirements for eligibility  
of salary adjustments for instructional personnel or  
school administrators; requiring the state board to  
adopt rules by a certain date; amending s. 1012.3401,  
F.S.; revising the formula for a classroom teacher's  
or school administrator's performance evaluation;  
authorizing a school district to request approval from  
the state board to use student performance results on  
new statewide assessments for diagnostic and baseline



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581-01768B-15

purposes; requiring a district school superintendent to submit the waiver request to the Commissioner of Education; specifying required content of a waiver request; requiring the commissioner to review and make recommendations to the state board regarding each waiver request; specifying conditions and requirements for a school that is granted a waiver for the 2014-2015 school year; providing for expiration; amending ss. 1003.4282, 1003.4285, and 1012.22, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

1001.03 Specific powers of State Board of Education.—

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

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

(b) A requirement that school districts attach the notification form when providing student performance results to parents on statewide, standardized assessments administered



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pursuant to ss. 1002.69, 1003.56, and 1008.22.

Section 2. Paragraph (a) of subsection (3) and subsection (6) of section 1008.22, Florida Statutes, are amended to read: 1008.22 Student assessment program for public schools.—

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

(a) *Statewide, standardized comprehensive assessments.*—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language





610298

581-01768B-15

Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through ~~10~~ 11. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (7).

(6) LOCAL ASSESSMENTS.—

(a) Measurement of student performance in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized assessment program described in this section, is the responsibility of the school districts. However, a school district may not administer a local assessment for subjects and grade levels that are measured under the statewide, standardized end-of-course assessments. A school district must provide a student's performance results on district-required local assessments to the student's teachers and parents within 30 days after administering such assessments.

(b) ~~Except for those subjects and grade levels measured~~



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581-01768B-15

~~under the statewide, standardized assessment program, beginning with the 2014-2015 school year, each school district shall administer for each course offered in the district a local assessment that measures student mastery of course content at the necessary level of rigor for the course. As adopted pursuant to State Board of Education rule, course content is set forth in the state standards required by s. 1003.41 and in the course description. Local assessments may include:~~

~~1. Statewide assessments.~~

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

~~3. Industry certification assessments.~~

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

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

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

~~(d) The Commissioner of Education shall identify methods to~~



610298

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assist and support districts in the development and acquisition of local assessments ~~required under this subsection~~. Methods may include developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.

(c)(e) Each school district shall establish schedules for the administration of any ~~district-required local district-mandated~~ assessment and approve the schedules as an agenda item at a district school board meeting. A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized assessments are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and



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1008.44. The school district shall ~~adopt its~~ ~~publish the~~ testing schedule for statewide, standardized assessments and district required local assessments ~~schedules on its website~~, clearly specifying the estimates of average time for administering each assessment by grade level. The district must publish on its website ~~district-mandated assessments~~, and report the schedules to the Department of Education, in a format prescribed by the department, by October 1 of each year.

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

1008.25 Public school student progression; remedial instruction; reporting requirements.—

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

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

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

(a) Students who are deficient in reading by the end of



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grade 3.

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

(4) ASSESSMENT AND REMEDIATION.—

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

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

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



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~~2. A schoolwide system of progress monitoring for all students, or~~

2.3. An individualized progress monitoring plan.

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

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

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student who exhibits a substantial deficiency in reading, based upon ~~locally determined or~~ statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, such as the statewide kindergarten screening administered under s. 1002.69 and subsequent related reading readiness screening or



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~~through teacher observations~~, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed ~~by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction~~. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

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

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

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

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

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

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

6. That the statewide, standardized assessment required under s. 1008.22 for grade 3 Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district



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in knowing when a child is reading at or above grade level and ready for grade promotion.

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

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

(8) ANNUAL REPORT.—

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

Section 4. Subsections (1) and (3) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.—



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

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



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376 Florida's Postsecondary Readiness Competencies. Other elective  
377 courses may not be substituted for the selected postsecondary  
378 mathematics, reading, writing, or English Language Arts  
379 preparatory course unless the elective course covers the same  
380 competencies included in the postsecondary mathematics, reading,  
381 writing, or English Language Arts preparatory course.

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

384 1008.34 School grading system; school report cards;  
385 district grade.—

386 (7) TRANSITION.—School grades pursuant to this section and  
387 school improvement ratings pursuant to s. 1008.341 for the 2013-  
388 2014 school year shall be calculated based on statutes and rules  
389 in effect on June 30, 2014. To assist in the transition to 2014-  
390 2015 school grades and school improvement ratings, calculated  
391 based on new statewide, standardized assessments administered  
392 pursuant to s. 1008.22, the 2014-2015 school grades and school  
393 improvement ratings shall serve as an informational baseline for  
394 schools to work toward improved performance in future years.  
395 Accordingly, notwithstanding any other provision of law:

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

400 (b)1. A school or approved provider under s. 1002.45 that  
401 receives the same or a lower school grade or school improvement  
402 rating for the 2014-2015 school year compared to the 2013-2014  
403 school year is not subject to sanctions or penalties that would  
404 otherwise occur as a result of the 2014-2015 school grade or



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rating. A charter school system or a school district designated as high performing may not lose the designation based on the 2014-2015 school grades of any of the schools within the charter school system or school district, as applicable.

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

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

This subsection is repealed July 1, 2017.

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

1012.34 Personnel evaluation procedures and criteria.—

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



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but are not limited to, the following:

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

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

a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth portion of the evaluation must include growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to



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not less than 30 40 percent.

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

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

2. Instructional practice.—At least 33 percent of a performance evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. Multiple observations must be used by administrative personnel to evaluate the performance of each classroom teacher. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon



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indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

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

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

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

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and



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

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

542 (c) For grades and subjects not assessed by statewide,  
543 standardized assessments, but otherwise locally assessed  
544 pursuant to paragraph (d) as required under s. 1008.22(6), each  
545 school district shall measure performance of students using a  
546 methodology determined by the district. The department shall  
547 provide models for measuring performance of students which  
548 school districts may adopt. However, for a course that is not  
549 measured by a statewide, standardized assessment:



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

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

565 ~~3.(e) For purposes of this section and only for the 2014-~~  
566 ~~2015 school year,~~ a school district may use measurable learning  
567 targets on local assessments administered under paragraph (d)  
568 and s. 1008.22(6) to evaluate the performance of students  
569 portion of a classroom teacher's evaluation ~~for courses that are~~  
570 ~~not assessed by statewide, standardized assessments.~~ Learning  
571 targets must be approved by the school principal. A district  
572 school superintendent may assign to instructional personnel in  
573 an instructional team the student learning growth of the  
574 instructional team's students on statewide assessments. This  
575 subparagraph paragraph expires July 1, 2015.

576 (d)1. Pursuant to s. 1008.22(6), school districts are  
577 responsible for the measurement of student performance in all  
578 subjects and grade levels, except those subjects and grade





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579 levels measured under the statewide, standardized assessment  
580 program. For subjects and grade levels not measured under the  
581 statewide, standardized program, each school district is  
582 responsible for administering local assessments that measure  
583 student mastery of course content at the necessary level of  
584 rigor. A school district may not administer a local assessment  
585 for subjects and grade levels that are measured under the  
586 statewide, standardized end-of-course assessments. As adopted  
587 pursuant to State Board of Education rule, course content is set  
588 forth in the state standards required by s. 1003.41 and in the  
589 course description. Local assessments may include:  
590 a. Statewide assessments.  
591 b. Other standardized assessments, including nationally  
592 recognized standardized assessments.  
593 c. Industry certification assessments.  
594 d. District-developed or district-selected assessments.  
595 e. Teacher-selected or principal-selected assessments.  
596 2. Each district school board must adopt policies for  
597 selection, development, administration, and scoring of district-  
598 required local assessments and for collection of assessment  
599 results. The school district must provide a student's  
600 performance results on local assessments to the student's  
601 teachers and parents within 30 days after administering such  
602 assessments. Local assessments may include a variety of  
603 assessment formats, including, but not limited to, project-based  
604 assessments, adjudicated performances, and practical application  
605 assignments. For all English Language Arts, mathematics,  
606 science, and social studies courses offered in the district  
607 which are used to meet graduation requirements under s.



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608 1002.3105, s. 1003.4281, or s. 1003.4282 and which are not  
609 otherwise assessed by statewide, standardized assessments, the  
610 district school board must select the assessments described in  
611 sub-subparagraphs (d)1.a.-d. For an instructional personnel  
612 employee or school administrator to be eligible for salary  
613 adjustment under the performance salary schedule, pursuant to s.  
614 1012.22, the student performance component of his or her  
615 performance evaluation must be based on an assessment described  
616 in sub-subparagraphs (d)1.a.-d. using a methodology determined  
617 by the school district pursuant to paragraph (c).  
618 (8) RULEMAKING.—No later than August 1, 2015, the State  
619 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
620 and 120.54 which establish uniform procedures for the  
621 submission, review, and approval of district evaluation systems  
622 and reporting requirements for the annual evaluation of  
623 instructional personnel and school administrators; specific,  
624 discrete standards for each performance level required under  
625 subsection (2) to ensure clear and sufficient differentiation in  
626 the performance levels and to provide consistency in meaning  
627 across school districts; the measurement of student learning  
628 growth and associated implementation procedures required under  
629 subsection (7); and a process for monitoring school district  
630 implementation of evaluation systems in accordance with this  
631 section. Specifically, the rules shall establish student  
632 performance levels that if not met will result in the employee  
633 receiving an unsatisfactory performance evaluation rating. In  
634 like manner, the rules shall establish a student performance  
635 level that must be met in order for an employee to receive a  
636 highly effective rating and a student learning growth standard



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that must be met in order for an employee to receive an effective rating.

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

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

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

(2) The student performance data used in the performance evaluation of nonclassroom instructional personnel shall be based on student outcome data that reflects the actual contribution of such personnel to the performance of the students assigned to the individual in the individual's areas of



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responsibility.

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

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

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

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

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



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695 Quantifiable data substantiating the reason for such failure  
696 must accompany the request. A school district's inability to  
697 assess the minimum percentage of students pursuant to ss.  
698 1008.34 and 1008.341, Florida Statutes, does not constitute a  
699 reasonable justification for requesting the waiver under this  
700 section.

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

711 (d) The school district's plan for using the diagnostic  
712 data to facilitate continuous improvement in student performance  
713 and the effectiveness of schools, instructional personnel, and  
714 school administrators; public reporting on the performance of  
715 students, schools, and the district; and informing parents about  
716 instruction associated with remediation and retention and  
717 options available to students including acceleration,  
718 graduation, and school choice. The district must also describe  
719 its plans for implementing student progression plans,  
720 performance evaluations of instructional personnel and school  
721 administrators, performance salary schedule requirements, and  
722 other uses as identified by the commissioner.

723 (2) The commissioner shall review each request for a waiver



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

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

738 (a) A school or a school district may not receive a school  
739 grade, school improvement rating, or school district grade, as  
740 applicable.

741 (b) A school may, at the school district's discretion,  
742 choose to use new statewide, standardized assessment results in  
743 performance evaluations of instructional personnel and school  
744 administrators.

745 (c) A school district shall continue to have its student  
746 performance results included in the statewide, standardized  
747 assessment results published by the department pursuant to s.  
748 1008.22, Florida Statutes.

749 (d) A school shall forfeit eligibility to earn school  
750 recognition funds pursuant to s. 1008.36, Florida Statutes, as  
751 provided in the General Appropriations Act.

752 (e) A school district shall forfeit the district's



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753 eligibility to earn the designation and benefits associated with  
754 high performing school districts pursuant to s. 1003.621,  
755 Florida Statutes.

756  
757 This section expires July 1, 2016.

758 Section 9. Paragraph (a) of subsection (5) of section  
759 1003.4282, Florida Statutes, is amended to read:

760 1003.4282 Requirements for a standard high school diploma.-

761 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-

762 (a) Each year a student scores Level 1 or Level 2 on the  
763 statewide, standardized grade 9 or grade 10 Reading assessment  
764 or, when implemented, the grade 9 or grade 10, ~~or grade 11~~ ELA  
765 assessment, the student may, as an option to the student, enroll  
766 ~~must be enrolled in and complete~~ an intensive remedial course  
767 the following year or be placed in a content area course that  
768 includes remediation of skills not acquired by the student.

769 Section 10. Paragraph (a) of subsection (1) of section  
770 1003.4285, Florida Statutes, is amended to read:

771 1003.4285 Standard high school diploma designations.-

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

775 (a) *Scholar designation.*-In addition to the requirements of  
776 s. 1003.4282, in order to earn the Scholar designation, a  
777 student must satisfy the following requirements:

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

781 2- Mathematics.-Earn one credit in Algebra II and one



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782 credit in statistics or an equally rigorous course. Beginning  
783 with students entering grade 9 in the 2014-2015 school year,  
784 pass the Algebra II and Geometry statewide, standardized  
785 assessments.

786 2.3- Science.-Pass the statewide, standardized Biology I  
787 EOC assessment and earn one credit in chemistry or physics and  
788 one credit in a course equally rigorous to chemistry or physics.  
789 However, a student enrolled in an Advanced Placement (AP),  
790 International Baccalaureate (IB), or Advanced International  
791 Certificate of Education (AICE) Biology course who takes the  
792 respective AP, IB, or AICE Biology assessment and earns the  
793 minimum score necessary to earn college credit as identified  
794 pursuant to s. 1007.27(2) meets the requirement of this  
795 subparagraph without having to take the statewide, standardized  
796 Biology I EOC assessment.

797 3.4- Social studies.-Pass the statewide, standardized  
798 United States History EOC assessment. However, a student  
799 enrolled in an AP, IB, or AICE course that includes United  
800 States History topics who takes the respective AP, IB, or AICE  
801 assessment and earns the minimum score necessary to earn college  
802 credit as identified pursuant to s. 1007.27(2) meets the  
803 requirement of this subparagraph without having to take the  
804 statewide, standardized United States History EOC assessment.

805 4.5- Foreign language.-Earn two credits in the same foreign  
806 language.

807 5.6- Electives.-Earn at least one credit in an Advanced  
808 Placement, an International Baccalaureate, an Advanced  
809 International Certificate of Education, or a dual enrollment  
810 course.



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811 Section 11. Paragraph (c) of subsection (1) of section  
812 1012.22, Florida Statutes, is amended to read:  
813 1012.22 Public school personnel; powers and duties of the  
814 district school board.—The district school board shall:  
815 (1) Designate positions to be filled, prescribe  
816 qualifications for those positions, and provide for the  
817 appointment, compensation, promotion, suspension, and dismissal  
818 of employees as follows, subject to the requirements of this  
819 chapter:  
820 (c) *Compensation and salary schedules.*—  
821 1. Definitions.—As used in this paragraph, the term:  
822 a. "Adjustment" means an addition to the base salary  
823 schedule that is not a bonus and becomes part of the employee's  
824 permanent base salary and shall be considered compensation under  
825 s. 121.021(22).  
826 b. "Grandfathered salary schedule" means the salary  
827 schedule or schedules adopted by a district school board before  
828 July 1, 2014, pursuant to subparagraph 4.  
829 c. "Instructional personnel" means instructional personnel  
830 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
831 teachers.  
832 d. "Performance salary schedule" means the salary schedule  
833 or schedules adopted by a district school board pursuant to  
834 subparagraph 5.  
835 e. "Salary schedule" means the schedule or schedules used  
836 to provide the base salary for district school board personnel.  
837 f. "School administrator" means a school administrator as  
838 defined in s. 1012.01(3)(c).  
839 g. "Supplement" means an annual addition to the base salary



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840 for the term of the negotiated supplement as long as the  
841 employee continues his or her employment for the purpose of the  
842 supplement. A supplement does not become part of the employee's  
843 continuing base salary but shall be considered compensation  
844 under s. 121.021(22).  
845 2. Cost-of-living adjustment.—A district school board may  
846 provide a cost-of-living salary adjustment if the adjustment:  
847 a. Does not discriminate among comparable classes of  
848 employees based upon the salary schedule under which they are  
849 compensated.  
850 b. Does not exceed 50 percent of the annual adjustment  
851 provided to instructional personnel rated as effective.  
852 3. Advanced degrees.—A district school board may not use  
853 advanced degrees in setting a salary schedule for instructional  
854 personnel or school administrators hired on or after July 1,  
855 2011, unless the advanced degree is held in the individual's  
856 area of certification and is only a salary supplement.  
857 4. Grandfathered salary schedule.—  
858 a. The district school board shall adopt a salary schedule  
859 or salary schedules to be used as the basis for paying all  
860 school employees hired before July 1, 2014. Instructional  
861 personnel on annual contract as of July 1, 2014, shall be placed  
862 on the performance salary schedule adopted under subparagraph 5.  
863 Instructional personnel on continuing contract or professional  
864 service contract may opt into the performance salary schedule if  
865 the employee relinquishes such contract and agrees to be  
866 employed on an annual contract under s. 1012.335. Such an  
867 employee shall be placed on the performance salary schedule and  
868 may not return to continuing contract or professional service



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869 contract status. Any employee who opts into the performance  
870 salary schedule may not return to the grandfathered salary  
871 schedule.

872 b. In determining the grandfathered salary schedule for  
873 instructional personnel, a district school board must base a  
874 portion of each employee's compensation upon performance  
875 demonstrated under s. 1012.34 and shall provide differentiated  
876 pay for both instructional personnel and school administrators  
877 based upon district-determined factors, including, but not  
878 limited to, additional responsibilities, school demographics,  
879 critical shortage areas, and level of job performance  
880 difficulties.

881 5. Performance salary schedule.—By July 1, 2014, the  
882 district school board shall adopt a performance salary schedule  
883 that provides annual salary adjustments for instructional  
884 personnel and school administrators based upon performance  
885 determined under s. 1012.34. Employees hired on or after July 1,  
886 2014, or employees who choose to move from the grandfathered  
887 salary schedule to the performance salary schedule shall be  
888 compensated pursuant to the performance salary schedule once  
889 they have received the appropriate performance evaluation for  
890 this purpose. However, a classroom teacher whose performance  
891 evaluation ~~uses~~ ~~utilizes~~ student learning growth measures  
892 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(c)~~ shall  
893 remain under the grandfathered salary schedule until his or her  
894 teaching assignment changes to a subject for which there is a  
895 statewide, standardized assessment or district-required local ~~an~~  
896 assessment or the school district establishes equally  
897 appropriate measures of student learning growth as defined under



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898 s. 1012.34 and rules of the State Board of Education.

899 a. Base salary.—The base salary shall be established as  
900 follows:

901 (I) The base salary for instructional personnel or school  
902 administrators who opt into the performance salary schedule  
903 shall be the salary paid in the prior year, including  
904 adjustments only.

905 (II) Beginning July 1, 2014, instructional personnel or  
906 school administrators new to the district, returning to the  
907 district after a break in service without an authorized leave of  
908 absence, or appointed for the first time to a position in the  
909 district in the capacity of instructional personnel or school  
910 administrator shall be placed on the performance salary  
911 schedule.

912 b. Salary adjustments.—Salary adjustments for highly  
913 effective or effective performance shall be established as  
914 follows:

915 (I) The annual salary adjustment under the performance  
916 salary schedule for an employee rated as highly effective must  
917 be greater than the highest annual salary adjustment available  
918 to an employee of the same classification through any other  
919 salary schedule adopted by the district.

920 (II) The annual salary adjustment under the performance  
921 salary schedule for an employee rated as effective must be equal  
922 to at least 50 percent and no more than 75 percent of the annual  
923 adjustment provided for a highly effective employee of the same  
924 classification.

925 (III) The performance salary schedule shall not provide an  
926 annual salary adjustment for an employee who receives a rating



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other than highly effective or effective for the year.

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

(I) Assignment to a Title I eligible school.

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

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

(IV) Assignment of additional academic responsibilities.

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

Section 12. This act shall take effect upon becoming a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: SB 616

INTRODUCER: Senator Legg

SUBJECT: Education Accountability

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

Specifically, the bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings, and makes the following adjustments to student assessment, performance evaluation requirements, and school accountability:

- Eliminates the state requirement that a school district administer a local assessment including, but not limited to, a local end-of-course assessment for each course that is not assessed by a statewide, standardized assessment. The bill retains the ability for teachers and school administrators to receive performance pay adjustments if they choose to have the student performance component of their performance evaluation based on a statewide or other standardized assessment, industry certification assessment, or a district-developed or selected assessment.
- Lowers the student performance component of teacher performance evaluations to at least 40%, requires the instructional practice component to constitute at least 30%, and the professional and job responsibilities component constitute no more than 30% of a teacher's total performance evaluation.
- Limits the amount of time to no more than 5% of total school hours for administering state-required and locally-required tests. The bill requires school districts to secure written consent from a student's parent to administer district-required local assessments that exceed the 5% testing limit. However, notwithstanding the 5% testing limit, the bill authorizes students to take certain assessments, for use as end-of-course assessments or to demonstrate college readiness, which are in addition to the state-required and locally-required tests.
- For schools and school districts that experience assessment implementation issues during the 2014-2015 school year, establishes a one-time option for superintendents, with a



supermajority vote of the district school board, to seek approval from the State Board of Education to use the 2014-2015 school year test results for diagnostic and baseline purposes only. If approved, the school district forfeits designation as an academically-high performing school district, if applicable, and the school forfeits school recognition funding

The bill takes effect upon becoming law.

## **II. Present Situation:**

The education of children is a fundamental value of the people of the State of Florida.<sup>1</sup> It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders.<sup>2</sup> The Legislature, through the Florida K-20 Education Code, provides by law, a state system for all Florida's students to obtain a high quality education.<sup>3</sup>

The statutory mission of Florida's K-20 education system is to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.<sup>4</sup> The effectiveness of this education delivery system is assessed through the state's performance accountability system.<sup>5</sup>

The state's performance accountability system assesses the effectiveness of Florida's seamless K-20 education delivery system and is specifically intended to provide answers to the following questions in relation to its mission and goals:<sup>6</sup>

- What is the public receiving in return for funds it invests in education?
- How effectively is Florida's K-20 education system educating its students?
- How effectively are the major delivery sectors promoting student achievement?
- How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

### **Public School Student Assessment Program**

Florida's assessment program consists primarily of statewide, standardized assessments that are selected and administered by the state, and local assessments that are selected and administered by the school districts to measure students' attainment of education expectations.<sup>7</sup>

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<sup>1</sup> Article IX, s. 1, Fla. Const.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1000.01, F.S.

<sup>4</sup> Section 1008.31(2)(a), F.S.

<sup>5</sup> Section 1008.31(1)(a), F.S.

<sup>6</sup> Section 1008.31(1)(a), F.S. This performance accountability system is required to comply with the "No Child Left Behind Act of 2001," Pub. L. No. 107-110, and the Individuals with Disabilities Education Act (IDEA). Section 1008.31(1)(c), F.S. The Department of Education (DOE) is responsible for maintaining an accountability system that measures student progress toward the following goals. Section 1008.31(2)(c), F.S.

<sup>7</sup> Section 1008.22, F.S.

### *Statewide, Standardized Assessments*

The purpose of Florida's student assessment program is to improve instruction; provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff; and assess the cost benefit of the expenditure of taxpayer dollars.<sup>8</sup> Specifically, the program is designed to:<sup>9</sup>

- Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.
- Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.
- Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.
- Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.
- Provide information to aid in the evaluation and development of educational programs and policies.

The commissioner is required to design and implement a statewide, standardized assessment program that is aligned to the core curricular content established in the Next Generation Sunshine State Standards and the Florida Standards.<sup>10</sup> Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma and students in Department of Juvenile Justice education programs, except as otherwise provided by law.<sup>11</sup>

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:<sup>12</sup>
  - English Language Arts (grades 3 through 11);<sup>13</sup>
  - Mathematics (grades 3-8); and
  - Science (once at the elementary grade level and once at the middle grade level).<sup>14</sup>
- End-of-Course (EOC) assessments.<sup>15</sup>

<sup>8</sup> Section 1008.22(1), F.S.

<sup>9</sup> Section 1008.22(1)(a)-(e), F.S.

<sup>10</sup> Section 1008.22(3), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 1008.22(3)(a), F.S. The Elementary and Secondary Education Act of 1965 (ESEA) requires states to implement “a set of high-quality, yearly academic assessments that includes, at a minimum, assessments in mathematics, reading or language arts, and science. With respect to reading/language arts and mathematics, the assessments must be administered in each of grades 3 through 8 and not less than once in grades 10 through 12. With respect to science, the assessments must be administered not less than once during grades 3 through 5, grades 6 through 9, and grades 10 through 12.” U.S. Department of Education, *Letter to Colorado Commissioner of Education, Robert K. Hammond* (Oct. 3, 2014) on file with the Committee on Education Pre-K-12 staff; *see also* 20 U.S.C. s. 6311(b)(3).

<sup>13</sup> Pursuant to standard high school diploma requirements, a student must pass the grade 10 English Language Arts (ELA) assessment or earn a concordant score. Sections 1003.4282(3)(a) and 1008.22(7), F.S. For scholar designation on a standard high school diploma, a student must pass the grade 11 ELA assessment. Section 1003.4285(1)(a)1., F.S.

<sup>14</sup> Rule 6A-1.09422(3)(b), F.A.C., requires all eligible students in grades five and eight to take the FCAT 2.0 Science.

<sup>15</sup> Section 1008.22(3)(b), F.S. Pursuant to standard high school diploma requirements, a student must pass the Algebra I EOC. *Id.* For scholar designation on a standard high school diploma, a student must pass Algebra II EOC, Geometry EOC, Biology I EOC, and U.S. History EOC assessments. Section 1003.4285(1)(a)2.-4., F.S.

- Civics (once at middle grade level);
- U.S. History EOC;
- Algebra I EOC;
- Algebra II EOC;
- Geometry EOC; and
- Biology I EOC.
- Florida Alternate Assessment (assessment for students with disabilities in the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation).<sup>16</sup>

### ***Local Assessments***

School districts are responsible for measuring student performance in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized assessment program.<sup>17</sup> Except for those subjects and grade levels measured under the statewide, standardized assessment program, beginning with the 2014-2015 school year, each school district must administer for each course offered in the district a local assessment that measures student mastery of course content at the necessary level of rigor for the course.<sup>18</sup> Each district school board must adopt policies for selecting, developing, administering, and scoring local assessments and for collecting assessment results.<sup>19</sup> For subjects and grade levels not measured by statewide, standardized assessments, a school district must administer local assessments but is authorized to choose the assessment to be administered from the following options:<sup>20</sup>

- Statewide assessments.
- Other standardized assessments, including nationally recognized standardized assessments.
- Industry certification assessments.
- District-developed or district-selected end-of-course assessments.
- Teacher-selected or principal-selected assessments.

To administer the state assessment program for statewide, standardized assessments and local assessments, the commissioner must:

- Develop or obtain statewide, standardized assessments, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts.<sup>21</sup>
- Recommend, for approval by the State Board of Education (SBE), passing scores on statewide, standardized assessments in the form of achievement levels ranging from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>22</sup>

<sup>16</sup> Section 1008.22(3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(9), F.S.

<sup>17</sup> Section 1008.22(6)(a), F.S.

<sup>18</sup> Section 1008.22(6)(b), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 1008.22(6)(b), F.S.; Local assessments may include a variety of assessment formats, including, but not limited to, project-based assessments, adjudicated performances, and practical application assignments. Section 1008.22(6)(c), F.S.

<sup>21</sup> Section 1008.22(3)(h), F.S.

<sup>22</sup> Section 1008.22(3)(e), F.S.

- Establish implementation schedules for the administration of statewide, standardized assessments and the reporting of student assessment results.<sup>23</sup>
- Provide, at a minimum, statewide, standardized assessment data analysis showing student achievement levels and learning gains by teacher, school, and school district.<sup>24</sup>
- Identify methods to assist and support districts in the development and acquisition of assessments which may include developing item banks, facilitating the sharing of developed tests among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best professional practices of test development based upon state-adopted curriculum standards, administration, and security.<sup>25</sup>
- Identify, for approval by the SBE, one or more comparative scores for the Algebra I EOC assessment.<sup>26</sup>
- Identify, for approval by the SBE, scores on the SAT and ACT that, if achieved, satisfy the graduation requirement that a student pass the grade 10 statewide, standardized English Language Arts assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT.<sup>27</sup>

### **Educator Performance Evaluations**

All instructional personnel<sup>28</sup> and school administrators employed by Florida's public school districts must undergo an annual performance evaluation based on sound educational principles and contemporary research in effective educational practices.<sup>29</sup> The evaluation criteria for instructional personnel include student performance, instructional practice, and professional and job responsibilities.<sup>30</sup> Likewise, the evaluation criteria for school administrators include student performance and professional and job responsibilities.<sup>31</sup> Instructional leadership practices are also included in school administrator evaluations.<sup>32</sup>

Each district superintendent must establish procedures for evaluating the performance of all instructional, administrative, and supervisory personnel employed by the school district.<sup>33</sup> The superintendents must also annually report evaluation results for instructional personnel and school administrators to the DOE.<sup>34</sup> The DOE approves all district evaluation systems and monitors implementation for compliance with law.<sup>35</sup>

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<sup>23</sup> Section 1008.22(3)(d), F.S.

<sup>24</sup> Section 1008.22(5), F.S.

<sup>25</sup> Section 1008.22(6)(d), F.S.

<sup>26</sup> Section 1008.22(8), F.S.

<sup>27</sup> Section 1008.22(7), F.S.

<sup>28</sup> Instructional personnel include classroom teachers and other instructional personnel, such as certified school counselors, librarians, and learning resource specialists. Section 1012.01(2), F.S. Although substitute teachers are classified as classroom teachers, the law specifically excludes them from performance evaluation requirements. Section 1012.34(3)(a), F.S.

<sup>29</sup> Section 1012.34(3)(a), F.S. Newly hired classroom teachers are evaluated twice in their first year of teaching in a school district. *Id.*

<sup>30</sup> Section 1012.34(3)(a)1., 2., and 4., F.S. School administrator evaluation criteria include instructional leadership. Section 1012.34(3)(a)3., F.S.

<sup>31</sup> Section 1012.34(3)(a)1. and 4., F.S.

<sup>32</sup> Section 1012.34(3)(a)3., F.S.

<sup>33</sup> Section 1012.34(1)(a), F.S.

<sup>34</sup> Section 1012.34(1)(a), F.S.

<sup>35</sup> Section 1012.34(1)(b), F.S. By December 1 of each year, the commissioner must report to the Governor, President of the Senate, and Speaker of the House of Representatives the approval and implementation status of each school district's

Public school personnel evaluations must be used to designate instructional personnel and school administrators as “highly effective,” “effective,” “needs improvement” (or, for instructional personnel in the first three years of employment who need improvement, “developing”), or “unsatisfactory.”<sup>36</sup> Evaluations occur annually, except classroom teachers newly hired by a district are evaluated at least twice during their first year of teaching in the school district.<sup>37</sup>

Performance evaluations are comprised of components of student performance, instructional practice, institutional leadership, and professional and job responsibilities.

### ***Student Performance***

Student performance includes data and indicators of student learning growth<sup>38</sup> based on student performance on annual statewide assessments or, for subjects and grade levels not tested by statewide assessments, school district assessments.<sup>39</sup> Student performance must constitute at least 50 percent of a classroom teacher’s or school administrator’s evaluation.<sup>40</sup>

For classroom teachers, excluding substitute teachers, student performance must include student learning growth data for students assigned to the teacher over the course of at least 3 years.<sup>41</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>42</sup>

For other instructional personnel who are not classroom teachers, student performance must include student learning growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years<sup>43</sup> and must comprise at least 30 percent of the evaluation or, if less than 3 years of data are available, then not less than 20 percent.<sup>44</sup>

For school administrators, student performance must include student learning growth data for students assigned to the school over the course of at least 3 years.<sup>45</sup> If less than 3 years of data are available, then student learning growth may comprise not less than 40 percent of the evaluation.<sup>46</sup>

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instructional personnel and school administrator evaluation systems. The report must include evaluation results for instructional personnel and school administrators. Section 1012.34(1)(c), F.S.

<sup>36</sup> Section 1012.34(2)(e), F.S.

<sup>37</sup> Section 1012.34(3)(a), F.S.

<sup>38</sup> Section 1012.34(8), F.S. The formula is known as the “value added model” (VAM). Section 1012.34(7)(a), F.S.

<sup>39</sup> Sections 1012.34(3)(a)1. and 1008.22(6), F.S. Each school district must publish on its website testing schedules for the administration of district-mandated assessments and report the schedules annually to the DOE by October 1. Section 1008.22(6)(e), F.S.

<sup>40</sup> Sections 1012.34(3)(a)1., F.S.

<sup>41</sup> Section 10102.34(3)(a)1.a., F.S.

<sup>42</sup> Section 1012.34(3)(a)1.a., F.S.

<sup>43</sup> The student performance component for instructional personnel who are not classroom teachers may include student learning growth data and other measurable student outcomes specific to the position. Section 1012.34(1)(a)1.b., F.S.

<sup>44</sup> Section 1012.34(3)(a)1.b., F.S.

<sup>45</sup> Section 1012.34(3)(a)1.c., F.S.

<sup>46</sup> Section 1012.34(3)(a)1.c.

### ***Instructional Practice***

Instructional practice is a component of instructional personnel evaluations which consists of evaluation criteria used in annually observing classroom teachers.<sup>47</sup> The evaluation criteria must include indicators based on each of Florida Educator Accomplished Practices (FEAP) adopted in rule by the SBE.<sup>48</sup> For instructional personnel who are not classroom teachers, the evaluation criteria must be based on FEAP indicators and may include specific job expectations related to student support.<sup>49</sup>

### ***Instructional Leadership***

Instructional leadership is a component of school administrator evaluations and consists of indicators based on each of the leadership standards adopted in rule by the SBE.<sup>50</sup>

### ***Professional and Job Responsibilities***

The professional and job responsibilities component of an evaluation must include additional professional and job responsibilities as adopted in SBE rule.<sup>51</sup> District school boards may identify professional and job responsibilities in addition to those identified by the SBE.<sup>52</sup>

### **Statewide Public School Accountability System**

Florida's school grading system was created in 1999 as a part of substantial changes to the state's school improvement and accountability system.<sup>53</sup> The law designated school grade categories and specified the metrics used to measure school performance.<sup>54</sup> School improvement ratings were also established in 1999<sup>55</sup> as another measure of school accountability for schools that meet specified criteria.<sup>56</sup>

### ***School Grades***

The measure of school accountability is the school grade.<sup>57</sup> The following letter grades are used to designate school performance:<sup>58</sup>

- "A," schools making excellent progress.
- "B," schools making above average progress.
- "C," schools making satisfactory progress.
- "D," schools making less than satisfactory progress.
- "F," schools failing to make adequate progress.

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<sup>47</sup> Section 1012.34(3)(a)2., F.S.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Section 1012.34(3)(a)3., F.S.

<sup>51</sup> Section 1012.34(3)(a)4., F.S.

<sup>52</sup> Section 1012.34(3)(a)4., F.S.

<sup>53</sup> Section 7 of chapter 99-398, L.O.F., *codified in s. 229.57, F.S., subsequently repealed by s. 378, ch. 2002-387, L.O.F., and codified in s. 1008.34, F.S.*

<sup>54</sup> *Id.*

<sup>55</sup> Section 7, ch. 99-398, L.O.F.

<sup>56</sup> Section 1008.341, F.S.

<sup>57</sup> Rule 6A-1.09981(3), F.A.C.

<sup>58</sup> Section 1008.34(2), F.S.; Rule 6A-1.09981(6)(a), F.A.C.

The basic school grade model used for elementary, middle, and high schools is based upon the percentage of total possible points earned by a school for student achievement scores on specified statewide, standardized assessments; student learning gains on statewide, standardized English Language Arts and mathematics assessments; and the improvement of the lowest 25 percent of students in the school in reading and mathematics.<sup>59</sup> School grades for middle schools and high schools are additionally customized as follows:

- School grades for middle schools include an additional component measuring the percentage of students passing high school level EOC assessments or attaining national industry certifications.<sup>60</sup>
- High school grades are calculated by also including a school's four-year graduation rate and the percentage of the school's students who are eligible to earn college and career credit through accelerated courses or who attain national industry certifications.<sup>61</sup>

The procedure for calculating the school grade and the scale used to determine a school grade are specified in SBE rule.<sup>62</sup>

### ***School Improvement Ratings***

School improvement ratings are indicators of whether the performance of an alternative school that provides dropouts prevention and academic intervention services has improved, remained the same, or declined compared to the prior year, based on student learning gains on statewide standardized assessments.<sup>63</sup> Alternative schools and ESE centers may choose to receive a school improvement rating instead of a school grade.<sup>64</sup> An alternative school that earns a school improvement rating receives one of the following ratings:<sup>65</sup>

- “Commendable” – a significant percentage of the students attending the school are making learning gains;
- “Maintaining” – a sufficient percentage of the students attending the school are making learning gains; or
- “Unsatisfactory” – students attending are making less academic progress at the alternative school than when the students were served in their home schools.

School improvement ratings are based on the following two components:<sup>66</sup>

- The percentage of eligible students who make learning gains in English Language Arts, as measured by statewide, standardized assessments; and
- The percentage of eligible students who make learning gains in mathematics, as measured by statewide, standardized assessments.

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<sup>59</sup> Section 1008.34(3)(b)1., F.S.

<sup>60</sup> Section 1008.34(3)(b)i., F.S. The industry certifications must be identified in the Industry Certification Funding List adopted by the State Board of Education. *Id.*

<sup>61</sup> Section 1008.34(3)(b)2., F.S.

<sup>62</sup> Section 1008.34(3)(c)1., F.S.

<sup>63</sup> See s. 1008.341(2), F.S.; Rule 6A-1.099822(5)(b), F.A.C.

<sup>64</sup> Sections 1008.341(2) and 1008.3415(1), F.S.

<sup>65</sup> *Id.*

<sup>66</sup> Section 1008.341(3)(a) and (b), F.S.

## 2014-2015 Transition Year

The 2013-2014 school year was the final year student performance results on statewide, standardized reading, writing, and mathematics assessments (aligned to an earlier set of academic standards)<sup>67</sup> were used to calculate school grades, school improvement ratings, and districts grades and evaluate public education personnel.<sup>68</sup>

On February 18, 2014, the SBE adopted new state standards, called the Florida Standards, for English Language Arts (ELA) and mathematics.<sup>69</sup> Through a competitive bid process, on March 17, 2014, the commissioner announced the selection of the American Institutes for Research to develop the statewide, standardized English Language Arts and mathematics assessments aligned to the Florida Standards.<sup>70</sup> The new ELA and mathematics assessments are being administered for the first time during the 2014-2015 school year.<sup>71</sup>

To facilitate Florida's transition to the Florida Standards and associated assessments, the 2014 Legislature established the 2014-2015 school year as an informational baseline year for schools to work toward improved performance in future years.<sup>72</sup> The results of statewide, standardized assessments, including the Florida Standards assessments, administered in the spring of 2015 will be used to calculate school grades and school improvement ratings; however, schools will be held harmless and insulated from any penalty or reclassification that would otherwise result from the school's 2014-2015 grade.<sup>73</sup> Consequently, a school will not be required to select an implement a turnaround option in the 2015-2016 school year based on the school's 2014-2015 grade or school improvement rating.<sup>74</sup> Schools, based on grades calculated during the transition year, will be eligible to receive school recognition funds based on their performance.<sup>75</sup>

### III. Effect of Proposed Changes:

SB 616 impacts statutory accountability provisions related to the state's public school student assessment program, the educator performance evaluation system, and the statewide public school accountability system.

The bill maintains the statutorily provided 2014-2015 school year transition to the Florida Standards Assessments, including the suspension of negative consequences associated with school grades and school improvement ratings. Specifically, the bill makes the following

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<sup>67</sup> Statewide assessments include FCAT writing, FCAT 2.0, and end of course (EOC) assessments. See Section 1008.22, F.S.

<sup>68</sup> Florida Department of Education, *Just for Parents* (June/July 2014), available at <http://www.fldoe.org/core/fileparse.php/7743/urlt/0078176-junejuly.pdf>.

<sup>69</sup> Florida State Board of Education, *Minutes of February 18, 2014*, available at <http://www.fldoe.org/core/fileparse.php/5444/urlt/0074998-minutes.pdf>.

<sup>70</sup> Florida Department of Education, *With Students as Top Priority, Florida Chooses Replacement for FCAT*, Press Release (Mar. 17, 2014).

<sup>71</sup> Department of Education, *Florida Standards Assessments Information for Families*, available at <http://www.fsassessments.org/wp-content/uploads/2014/09/Florida-Family-Brochure-v6-2.pdf>.

<sup>72</sup> Section 1008.34(7), F.S.

<sup>73</sup> Section 1, ch. 2014-23, L.O.F.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*



adjustments to student assessment, performance evaluation requirements, and school accountability:

- Eliminates the state requirement that a school district administer a local assessment including, but not limited to, a local end-of-course assessment for each course that is not assessed by a statewide, standardized assessment. The bill retains the ability for teachers and school administrators to receive performance pay adjustments if they choose to have the student performance component of their performance evaluation based on a statewide or other standardized assessment, industry certification assessment, or a district-developed or selected assessment.
- Lowers the student performance component of teacher performance evaluations to at least 40%, requires the instructional practice component to constitute at least 30%, and the professional and job responsibilities component constitute no more than 30% of a teacher's total performance evaluation.
- Limits the amount of time to no more than 5% of total school hours for administering state-required and locally-required tests.<sup>76</sup> The bill requires school districts to secure written consent from a student's parent to administer district-required local assessments that exceed the 5% testing limit. However, notwithstanding the 5% testing limit, the bill authorizes students to take certain assessments, for use as end-of-course assessments<sup>77</sup> or to demonstrate college readiness,<sup>78</sup> which are in addition to the state-required and locally-required tests.
- For schools and school districts that experience assessment implementation issues during the 2014-2015 school year, establishes a one-time option for superintendents, with a supermajority vote of the district school board, to seek approval from the State Board of Education to use the 2014-2015 school year test results for diagnostic and baseline purposes only. If approved, the school district forfeits designation as an academically-high performing school district, if applicable, and the school forfeits school recognition funding.

The bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

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<sup>76</sup> Instruction in a standard school for a full time student consists of at least 900 net hours for a student in grades 4-12, and 720 net hours for a student in kindergarten through grade 3. Section 1011.61(1)(a)1., F.S. The 5% testing limit thus equals to no more than 45 hours for grades 4-12 and no more than 36 hours for kindergarten through grade 3.

<sup>77</sup> "The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments." Section 1008.22(3)(b)4., F.S.

<sup>78</sup> Students may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315, F.A.C.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1008.22, 1012.34, 1012.22, and 1008.34.

This bill creates an undesignated section of Florida law.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Legg

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1 A bill to be entitled  
2 An act relating to education accountability; amending  
3 s. 1008.22, F.S.; revising requirements for the  
4 administration of local assessments; transferring  
5 provisions relating to district school board policies  
6 regarding assessments; restricting the amount of  
7 school hours that a school district may dedicate to  
8 administer specified assessments; requiring a school  
9 district to secure consent of a student's parent if  
10 school hours dedicated to the administration of local  
11 assessments exceed the threshold amount; authorizing a  
12 student to take an examination or assessment adopted  
13 pursuant to State Board of Education rule; amending s.  
14 1012.34, F.S.; revising the percentage thresholds for  
15 performance evaluation criteria for instructional  
16 personnel and school administrators; specifying  
17 standards for the content and the administration of  
18 local assessments; specifying requirements for  
19 eligibility of salary adjustments for instructional  
20 personnel or school administrators; requiring the  
21 state board to adopt rules by a certain date; amending  
22 s. 1012.22, F.S.; conforming provisions to changes  
23 made by the act; amending s. 1008.34, F.S.; adding  
24 references to school improvement ratings; authorizing  
25 a school district to request approval from the state  
26 board to use student performance results on new  
27 statewide assessments for diagnostic and baseline  
28 purposes; requiring a district school superintendent  
29 to submit the waiver request to the Commissioner of

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30 Education; specifying required content of a waiver  
31 request; requiring the commissioner to review and make  
32 recommendations to the state board regarding each  
33 waiver request; specifying conditions and requirements  
34 for a school that is granted a waiver for the 2014-  
35 2015 school year; providing for expiration; providing  
36 an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Subsection (6) of section 1008.22, Florida  
41 Statutes, is amended to read:

42 1008.22 Student assessment program for public schools.—

43 (6) LOCAL ASSESSMENTS.—

44 (a) Measurement of student performance in all subjects and  
45 grade levels, except those subjects and grade levels measured  
46 under the statewide, standardized assessment program described  
47 in this section, is the responsibility of the school districts.

48 (b) ~~Except for those subjects and grade levels measured~~  
49 ~~under the statewide, standardized assessment program, beginning~~  
50 ~~with the 2014-2015 school year, each school district shall~~  
51 ~~administer for each course offered in the district a local~~  
52 ~~assessment that measures student mastery of course content at~~  
53 ~~the necessary level of rigor for the course. As adopted pursuant~~  
54 ~~to State Board of Education rule, course content is set forth in~~  
55 ~~the state standards required by s. 1003.41 and in the course~~  
56 ~~description. Local assessments may include:~~

57 ~~1. Statewide assessments.~~

58 ~~2. Other standardized assessments, including nationally~~

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59 ~~recognized standardized assessments.~~

60 ~~3. Industry certification assessments.~~

61 ~~4. District-developed or district-selected end-of-course~~  
62 ~~assessments.~~

63 ~~5. Teacher selected or principal selected assessments.~~

64 ~~(e) Each district school board must adopt policies for~~  
65 ~~selection, development, administration, and scoring of local~~  
66 ~~assessments and for collection of assessment results. Local~~  
67 ~~assessments implemented under subparagraphs (b)4. and 5. may~~  
68 ~~include a variety of assessment formats, including, but not~~  
69 ~~limited to, project-based assessments, adjudicated performances,~~  
70 ~~and practical application assignments. For all English Language~~  
71 ~~Arts, mathematics, science, and social studies courses offered~~  
72 ~~in the district that are used to meet graduation requirements~~  
73 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~  
74 ~~not otherwise assessed by statewide, standardized assessments,~~  
75 ~~the district school board must select the assessments described~~  
76 ~~in subparagraphs (b)1.-4.~~

77 ~~(d)~~ The Commissioner of Education shall identify methods to  
78 assist and support districts in the development and acquisition  
79 of local assessments ~~required under this subsection~~. Methods may  
80 include developing item banks, facilitating the sharing of  
81 developed tests among school districts, acquiring assessments  
82 from state and national curriculum-area organizations, and  
83 providing technical assistance in best professional practices of  
84 test development based upon state-adopted curriculum standards,  
85 administration, and security.

86 (c) ~~(e)~~ Each school district shall establish schedules for  
87 the administration of any district-required local ~~district-~~

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88 ~~mandated~~ assessment and approve the schedules as an agenda item  
89 at a district school board meeting. A school district may not  
90 schedule more than 5 percent of total school hours to administer  
91 statewide, standardized assessments and district-required local  
92 assessments. If a school district requires more than 5 percent  
93 of total school hours to administer district-required local  
94 assessments, the district must secure written consent from a  
95 student's parent before administering the district-required  
96 local assessments. Notwithstanding this paragraph, a student  
97 may, within a school year, choose to take an examination or  
98 assessment adopted pursuant to State Board of Education rule  
99 pursuant to this section and s. 1008.30. The school district  
100 shall publish ~~its~~ the testing schedules on its website, clearly  
101 specifying the district-required local ~~district-mandated~~  
102 assessments, and report the schedules to the Department of  
103 Education by October 1 of each year.

104 Section 2. Paragraph (a) of subsection (3) and subsections  
105 (7) and (8) of section 1012.34, Florida Statutes, are amended to  
106 read:

107 1012.34 Personnel evaluation procedures and criteria.—

108 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional  
109 personnel and school administrator performance evaluations must  
110 be based upon the performance of students assigned to their  
111 classrooms or schools, as provided in this section. Pursuant to  
112 this section, a school district's performance evaluation is not  
113 limited to basing unsatisfactory performance of instructional  
114 personnel and school administrators solely upon student  
115 performance, but may include other criteria approved to evaluate  
116 instructional personnel and school administrators' performance,

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or any combination of student performance and other approved criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

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

1. Performance of students.—At least 40 ~~50~~ percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments pursuant to subsection (7) as provided in s. 1008.22(6). Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).

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

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data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 30 ~~40~~ percent.

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

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

2. Instructional practice.—At least 30 percent of a performance evaluation ~~criteria used~~ when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon

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indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

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

4. Professional and job responsibilities.—For instructional personnel and school administrators, no more than 30 percent of a performance evaluation must include other professional and job responsibilities ~~must be included~~ as adopted by the State Board of Education. The district school board may identify additional professional and job responsibilities.

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

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. The formula must take

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into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner shall select additional formulas as appropriate for the remainder of the statewide assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. After the commissioner approves the formula to measure individual student learning growth, the State Board of Education shall adopt these formulas in rule.

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

(c) For grades and subjects not assessed by statewide, standardized assessments, but otherwise locally assessed pursuant to paragraph (d) ~~as required under s. 1008.22(6)~~, each school district shall measure performance of students using a methodology determined by the district. The department shall provide models for measuring performance of students which school districts may adopt. However, for a course that is not measured by a statewide, standardized assessment:

1.(e) For a course that is not measured by a statewide,

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~~standardized assessment~~, A school district may request, through the evaluation system approval process, to use a student's achievement level rather than student learning growth if achievement is demonstrated to be a more appropriate measure of classroom teacher performance. A school district may also request to use a combination of student learning growth and achievement, if appropriate.

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

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

(d)1. Pursuant to s. 1008.22(6), school districts are responsible for the measurement of student performance in all subjects and grade levels, except those subjects and grade levels measured under the statewide, standardized assessment

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program. For subjects and grade levels not measured under the statewide, standardized program, each school district is responsible for administering local assessments that measure student mastery of course content at the necessary level of rigor. As adopted pursuant to State Board of Education rule, course content is set forth in the state standards required by s. 1003.41 and in the course description. Local assessments may include:

a. Statewide assessments.

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

c. Industry certification assessments.

d. District-developed or district-selected assessments.

e. Teacher-selected or principal-selected assessments.

2. Each district school board must adopt policies for selection, development, administration, and scoring of local assessments and for collection of assessment results. Local assessments may include a variety of assessment formats, including, but not limited to, project-based assessments, adjudicated performances, and practical application assignments. For all English Language Arts, mathematics, science, and social studies courses offered in the district which are used to meet graduation requirements under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and which are not otherwise assessed by statewide, standardized assessments, the district school board must select the assessments described in sub-subparagraphs (d)1.a.-d. For an instructional personnel employee or school administrator to be eligible for salary adjustment under the performance salary schedule, pursuant to s. 1012.22, the student performance

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291 component of his or her performance evaluation must be based on  
 292 an assessment described in sub-subparagraphs (d)1.a.-d. using a  
 293 methodology determined by the school district pursuant to  
 294 paragraph (c).

295 (8) RULEMAKING.—No later than August 1, 2015, the State  
 296 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
 297 and 120.54 which establish uniform procedures for the  
 298 submission, review, and approval of district evaluation systems  
 299 and reporting requirements for the annual evaluation of  
 300 instructional personnel and school administrators; specific,  
 301 discrete standards for each performance level required under  
 302 subsection (2) to ensure clear and sufficient differentiation in  
 303 the performance levels and to provide consistency in meaning  
 304 across school districts; the measurement of student learning  
 305 growth and associated implementation procedures required under  
 306 subsection (7); and a process for monitoring school district  
 307 implementation of evaluation systems in accordance with this  
 308 section. Specifically, the rules shall establish student  
 309 performance levels that if not met will result in the employee  
 310 receiving an unsatisfactory performance evaluation rating. In  
 311 like manner, the rules shall establish a student performance  
 312 level that must be met in order for an employee to receive a  
 313 highly effective rating and a student learning growth standard  
 314 that must be met in order for an employee to receive an  
 315 effective rating.

316 Section 3. Paragraph (c) of subsection (1) of section  
 317 1012.22, Florida Statutes, is amended to read:

318 1012.22 Public school personnel; powers and duties of the  
 319 district school board.—The district school board shall:

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320 (1) Designate positions to be filled, prescribe  
 321 qualifications for those positions, and provide for the  
 322 appointment, compensation, promotion, suspension, and dismissal  
 323 of employees as follows, subject to the requirements of this  
 324 chapter:

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

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

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

331 b. "Grandfathered salary schedule" means the salary  
 332 schedule or schedules adopted by a district school board before  
 333 July 1, 2014, pursuant to subparagraph 4.

334 c. "Instructional personnel" means instructional personnel  
 335 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
 336 teachers.

337 d. "Performance salary schedule" means the salary schedule  
 338 or schedules adopted by a district school board pursuant to  
 339 subparagraph 5.

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

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

344 g. "Supplement" means an annual addition to the base salary  
 345 for the term of the negotiated supplement as long as the  
 346 employee continues his or her employment for the purpose of the  
 347 supplement. A supplement does not become part of the employee's  
 348 continuing base salary but shall be considered compensation

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under s. 121.021(22).

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

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

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

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

4. Grandfathered salary schedule.—

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

b. In determining the grandfathered salary schedule for

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instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose. However, a classroom teacher whose performance evaluation uses ~~utilizes~~ student learning growth measures established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is a statewide, standardized assessment or district-required local ~~an~~ assessment or the school district establishes equally appropriate measures of student learning growth as defined under s. 1012.34 and rules of the State Board of Education.

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

(I) The base salary for instructional personnel or school

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administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

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

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

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

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

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

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

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limited to:

(I) Assignment to a Title I eligible school.

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

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

(IV) Assignment of additional academic responsibilities.

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

Section 4. Subsection (7) of section 1008.34, Florida Statutes, is amended to read:

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

(7) TRANSITION.—School grades pursuant to this section and school improvement ratings pursuant to s. 1008.341 for the 2013-2014 school year shall be calculated based on statutes and rules in effect on June 30, 2014. To assist in the transition to 2014-

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2015 school grades and school improvement ratings, calculated based on new statewide, standardized assessments administered pursuant to s. 1008.22, the 2014-2015 school grades and school improvement ratings shall serve as an informational baseline for schools to work toward improved performance in future years. Accordingly, notwithstanding any other provision of law:

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

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

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

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

This subsection is repealed July 1, 2017.

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Section 5. School district contingency plan.—

Notwithstanding s. 1008.34(7), Florida Statutes, a school district may, by supermajority vote of the district school board, request approval from the State Board of Education to waive all requirements and benefits outlined in s. 1008.34(7), Florida Statutes, and instead use results from student performance on the new statewide, standardized assessments administered in the 2014-2015 school year pursuant to s. 1008.22, Florida Statutes, for diagnostic and baseline purposes only.

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

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

(b) The reason for the request, including a description of the systemic or unique implementation failure. Quantifiable data substantiating the reason for such failure must accompany the request. A school district's inability to assess the minimum percentage of students pursuant to ss. 1008.34 and 1008.341, Florida Statutes, does not, in itself, constitute a reasonable justification for requesting the waiver under this section.

(c) The school district's corrective action plan and

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certification that the identified implementation failure must be resolved in time for successful administration of the statewide, standardized assessments during the 2015-2016 school year and each school year thereafter. The district must identify how the district plans to allocate resources and technical assistance that the district needs from the Department of Education to facilitate the district's successful resolution of deficiencies.

(d) The school district's plan for using the diagnostic data to facilitate continuous improvement in student performance and the effectiveness of schools, instructional personnel, and school administrators; public reporting on the performance of students, schools, and the district; and informing parents about instruction associated with remediation and retention and options available to students including acceleration, graduation, and school choice. The district must also describe its plans for implementing student progression plans, performance evaluations of instructional personnel and school administrators, performance salary schedule requirements, and other uses as identified by the commissioner.

(2) The commissioner shall review each request for a waiver and consult with the applicable school district superintendent. The commissioner shall make, and provide reasons for, recommendations to the State Board of Education regarding granting or denying a request for waiver. The state board shall consider recommendations made by the commissioner to approve or deny school district requests. Notwithstanding any other provision of law, the commissioner's recommendation to approve may, after consultation with the school district superintendent, include conditional requirements that must apply if approved by

17-00112B-15

2015616\_\_

the state board. The decision of the state board is final.

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

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

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

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

(d) A school shall forfeit eligibility to earn school recognition funds pursuant to s. 1008.36, Florida Statutes, as provided in the General Appropriations Act.

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

This section expires July 1, 2016.

Section 6. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

(PCS)  
SB 616  
Bill Number (if applicable)

Topic SB 616 / Accountability (PCS)

Amendment Barcode (if applicable)

Name Sara Clements

Job Title Legislative Director

Address 215 S. Monroe Street  
Street

Phone 850-391-0329

Tallahassee FL 32301  
City State Zip

Email Sara@afloridapromise.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

PCS/SB 616  
Bill Number (if applicable)

865244

Amendment Barcode (if applicable)

Topic Testing Accountability

Name Brittney Burch

Job Title Director of Education Policy

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City

State

Zip

Email bburch@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

As it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This appearance is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

PCS/SB 616  
Bill Number (if applicable)  
610298  
Amendment Barcode (if applicable)

Topic Testing Accountability

Name Brittney Burch

Job Title Director of Education Policy

Address \_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip

Phone \_\_\_\_\_

Email bburch@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/3/2016

Meeting Date

616

Bill Number (if applicable)

Topic Testing

Amendment Barcode (if applicable)

Name Karen Schoen

Job Title Retired Teacher

Address 2196 Shelby Ct

Phone 850-397-4442

Street

City

Chipley

State

FL

Zip

32428

Email kbschoen@bellsouth.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

4 March 2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 616

Bill Number (if applicable)

Topic Testing

Amendment Barcode (if applicable)

Name Debbie Gummoe

Job Title Retired Lt Col, USAF

Address 2143 Chatsworth Drive

Street

Navarre

City

FL

State

32566

Zip

Phone (850) 515-0217

Email debbie.gummoe@

put god 1st. org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

6016

Bill Number (if applicable)

Topic SB 6016

Amendment Barcode (if applicable)

Name Meredith Mears (Like Sears)Job Title parent - co-founder of FL Parents RISEAddress 3612 monmouth Ct

Street

Phone 850-321-7258JCH

City

FL

State

32308

Zip

Email meredith.flrise@gmail.comSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing students + parentsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/4/15

Meeting Date

SB 616

Bill Number (if applicable)

Topic

SB 616

Amendment Barcode (if applicable)

Name

Chris Quackenbush

Job Title

Address

9045 Prosperity Way

Street

Ft Myers

FL

33913

City

State

Zip

Phone

239-823-2980

Email

quack4131@aol.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Lee Co Cit Action Comm

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

616  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name ELIZABETH OVERHOLT

Job Title \_\_\_\_\_

Address 4130 Faulkner Lane  
Street  
Tallahassee  
City State Zip

Phone 850-728-0587  
Email overholtbeth

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

Meeting Date

SB 616

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Catherine Baer

Job Title

Address

1421 Woodgate Way

Street

Tallahassee

City

FL

State

32308

Zip

Phone

850-383-8150

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

The Tea Party Network

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

Meeting Date

SB616

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Danielle Alexandre

Job Title Lobbyist

Address 9851 SR 54  
Street

Phone 727-424-9530

New Port Richey FL  
City State

34655  
Zip

Email danielle@libertyfirst  
fla.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Liberty First New York

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

Meeting Date

616

Bill Number (if applicable)

Topic Education Accountability

Amendment Barcode (if applicable)

Name DAWN Steward

Job Title Legislative Committee

Address 2130 Blossom Lane

Phone 407-645-0273

Street

Winter Park, FL

32789

City

State

Zip

Email st421300ad.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

SB 616  
Bill Number (if applicable)

Topic Accountability

Amendment Barcode (if applicable)

Name Robert Runcie

Job Title Superintendent

Address 600 SE 3rd Ave  
Street  
Fort Lauderdale FL 33301  
City State Zip

Phone 754-321-2600

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing BROWARD County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

3/4/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

#67 66

Bill Number (if applicable)

Topic Assessment

Amendment Barcode (if applicable)

Name Danita Jones

Job Title School Administrator

Address 3000 CR Smith ST

Street

ORLANDO

City

State

FL

Zip

32805

Phone 850 766 3453

Email dan.k@theorlando.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/04/14

*Meeting Date*

SB616

*Bill Number (if applicable)*

Topic Education Accountability

*Amendment Barcode (if applicable)*

Name Dr. Karen Effrem

Job Title Executive Director - Florida Stop Common Core Coalition

Address 116 Cousley Drive SE

Phone 888-376-5550

*Street*

Port Charlotte

FL

33952

Email dockaren@flstopcccoalition.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Stop Common Core Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

March 4, 2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

*Meeting Date*

SB616

*Bill Number (if applicable)*

Topic Education Standards & Accountability

*Amendment Barcode (if applicable)*

Name Trey Csar

Job Title President

Address 245 Riverside Ave., Suite 310

Phone 904-356-7757

*Street*

Jacksonville

FL

32202

*City*

*State*

*Zip*

Email trey@jaxpef.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Jacksonville Public Education Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

---

BILL: SB 688

INTRODUCER: Senator Montford

SUBJECT: Opening and Closing of Public Schools

DATE: March 3, 2015

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bailey	Klebacha	ED	<b>Pre-meeting</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

---

**I. Summary:**

SB 688 allows schools to open up to 7 days earlier than current law allows. The bill authorizes district school boards to begin the school year up to 21 days before Labor Day each year. The bill requires academically high performing districts to comply with the 21 day opening date of public schools.

This bill takes effect on July 1, 2015.

**II. Present Situation:**

Beginning with the 2007-2008 academic school year, schools governed by a district school board may have an opening date up to 14 days before Labor Day each year,<sup>1</sup> with the exception of academically high performing school districts.<sup>2</sup> Postsecondary institutions also rely on standard school start dates for eligible students in accelerated programs.<sup>3</sup>

**Current Starting Dates**

For the 2014-2015 school year, 62 of the state's 75 school districts began the traditional school year on August 18, 2014, which is 14 days before Labor Day.<sup>4</sup>

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<sup>1</sup> Section 1001.42(4)(f), F.S., as amended by s. 11 of ch. 2006-74, L.O.F.

<sup>2</sup> See s. 1003.621(1)(b) and (2)(a) – (k), F.S.

<sup>3</sup> Prior to the beginning of each fiscal year, by administrative rule, the board of trustees for community colleges and universities must adopt an annual calendar for use by all postsecondary institutions operated by their respective boards. Unless an exception is granted by the Department of Education, three common entry periods are established so that the first day of classes will fall within each of the three periods, the first 3 weekdays after August 22, the first 3 weekdays after January 4, and the first 3 weekdays after May 5. Rule 6A-10.019, F.A.C.

<sup>4</sup> Florida Department of Education, *2014-2015 School District Calendars*, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/index.stml> (last visited March 2, 2015).

School districts are required to file an official copy of the annual calendar adopted by each school board with the DOE.<sup>5</sup>

### **Academically High Performing School Districts**

School districts designated by the State Board of Education as academically high-performing school districts may choose to waive compliance with a large number of statutory requirements, including prescribed school calendar dates.<sup>6</sup>

Academically high-performing school districts retain the designation for three years and then may renew if the district continues to meet the requirements.<sup>7</sup> To be designated as an academically high-performing school district, a school district must meet the following requirements:

- Earn a grade of “A” for two consecutive years and have no district-operated school that earned a grade of “F.”
- Comply with the class size requirements.
- Have no material weaknesses or instances of material noncompliance noted in the school district’s annual financial audit.<sup>8</sup>

During the 2014- 2015 school year, academically high-performing districts, Citrus, Nassau, Seminole, and Sumter counties, elected to waive the school start date requirement and started school between August 6<sup>th</sup> and August 11<sup>th</sup>.<sup>9</sup>

### **III. Effect of Proposed Changes:**

SB 688 authorizes district school boards to begin the school year up to 21 days before Labor Day each year, in effect, 7 days earlier than current law allows. The bill also requires academically high performing districts to comply with the uniform opening date of public schools.

The effective date of the bill is July 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>5</sup> Rule 6A-10.019(3), F.A.C.

<sup>6</sup> See s. 1003.621(1)(b) and (2)(a) – (k), F.S.

<sup>7</sup> Section 1003.621(1)(c), F.S.

<sup>8</sup> Section 1003.621(1)(a), F.S.

<sup>9</sup> Of the eleven academically high-performing school districts, four elected to choose an earlier start date than the 14 day uniform date. Florida Department of Education, *2014-2015 School District Calendars*, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/index.stml> (last visited March 2, 2015).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.42 and 1003.621.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



697848

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2015	.	
	.	
	.	
	.	

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The Committee on Education Pre-K - 12 (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 43  
and insert:  
date for public schools. However, an academically high-  
performing school district whose calendar for the 2015-2016  
school year was approved by the district school board before May  
1, 2015, may waive compliance with s. 1001.42(4)(f) for the  
2015-2016 school year.

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



697848

11 And the title is amended as follows:  
12       Delete line 8  
13 and insert:  
14       date of public schools; providing an exception for  
15       certain school districts for a certain timeframe;  
16       providing an effective date.





386978

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2015	.	
	.	
	.	
	.	

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The Committee on Education Pre-K - 12 (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 26 - 43.

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

And the title is amended as follows:

Delete lines 5 - 8

and insert:

schools; providing an effective date.

By Senator Montford

3-00829-15

2015688\_\_

A bill to be entitled

An act relating to the opening and closing of public schools; amending s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools; amending s. 1003.621, F.S.; providing that academically high-performing school districts must comply with provisions relating to the uniform opening date of public schools; providing an effective date.

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

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

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

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) *Opening and closing of schools; fixing uniform date.*—Adopt policies for the opening and closing of schools and fix uniform dates; however, beginning with the 2015-2016 ~~2007-2008~~ school year, the opening date for schools in the district may not be earlier than 21 ~~14~~ days before Labor Day each year.

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

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

3-00829-15

2015688\_\_

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

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

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

Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

SB 688  
Bill Number (if applicable)

Topic Open/Close of Schools

Amendment Barcode (if applicable)

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace  
Street  
Wellington, FL 33414  
City State Zip

Phone 561-644-2439

Email vacrawford@msn.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Charlotte, Collier, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie School Districts

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

688  
Bill Number (if applicable)

Topic Opening & Closing of Public Schools

Amendment Barcode (if applicable)

Name Mat Forrest

Job Title \_\_\_\_\_

Address 403 E. Park Ave.  
Street

Phone 850-577-0444

Tallahassee FL 32301  
City State Zip

Email mat@balledfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Fl. Assoc. of Destination Marketing Organizations

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

SB 688

Bill Number (if applicable)

Topic

SCHOOL YEAR CALENDARS

Amendment Barcode (if applicable)

Name

BILL GRAHAM

Job Title

INTERIM EXEC. DIR. FLA. SCHOOL BOARDS ASSOC.

Address

203 So. MONROE ST.

Phone 850-414-2578

Street

TALLAHASSEE FL 32301

City

State

Zip

Email graham@fsba.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLORIDA SCHOOL BOARDS ASSOC

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/2015  
Meeting Date

688  
Bill Number (if applicable)

Topic Opening and Closing of Public Schools

Amendment Barcode (if applicable)

Name Melanie Bostick

Job Title Vice President

Address P.O. Box 390

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FL

32327

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Attractions Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

Meeting Date

5B 688

Bill Number (if applicable)

Topic Opening and closing of public schools

Amendment Barcode (if applicable)

Name Bobby Cornwell

Job Title Executive Director

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Street

Phone 850-544-4472

Tallahassee  
City

FL  
State

32303  
Zip

Email bcornwell@farvl.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida Association of RV Parks and Campgrounds

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

*Meeting Date*

Topic OPENING AND CLOSING OF PUBLIC SCHOOLS

Bill Number 688

*(if applicable)*

Name RICHARD TURNER

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title GEN COUNSEL ; V.P. GOVERNMENT RELATIONS

Address 236 S. ADAMS ST

*Street*

Phone 850. 224. 2250

TALLAHASSEE

*City*

FL

*State*

32301

*Zip*

E-mail rturner@fla.org

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA RESTAURANT & LODGING ASSOC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: SB 818

INTRODUCER: Senator Garcia

SUBJECT: Maximum Class Size

DATE: March 3, 2015

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bailey	Klebacha	ED	<b>Pre-meeting</b>
2. _____	_____	AED	_____
3. _____	_____	AP	_____

---

**I. Summary:**

SB 818 revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level.

This bill takes effect on July 1, 2015.

**II. Present Situation:**

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution.<sup>1</sup> The amendment requires the Legislature to make provisions to ensure that there are a sufficient number of classrooms in Florida so the maximum number of students assigned to each teacher does not exceed:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8 does; and
- 25 students in grades 9 through 12.<sup>2</sup>

**Implementation of Class Size Reduction Amendment**

In 2003, the Legislature enacted s. 1003.03, F.S., to implement the amendment's requirements.<sup>3</sup> The law required each school district not in compliance with the constitutionally prescribed maximums to annually reduce its average number of students per classroom by two students

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<sup>1</sup> Office of Program Policy Analysis & Government Accountability, *School Districts are Reducing Class Size in Several Ways; May be able to Reduce Costs*, (May 3007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0729rpt.pdf> .

<sup>2</sup> Art. IX, s. 1(a) Fla. Const.

<sup>3</sup> Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03, F.S.

beginning in FY 2003-2004.<sup>4</sup> Further, it specified the number of students per classroom is to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2009.
- Individual classroom level for each of the three grade groupings in FYs 2009-2010 and thereafter.<sup>5</sup>

Currently, the compliance requirements for traditional public schools is calculated at the classroom level.<sup>6</sup>

### **Charter Schools and Public Schools of Choice**

In 2010, the compliance calculation for charter schools was changed from class level average to the school level average.<sup>7</sup> In 2013, the school level average calculation was used for district operated schools of choice.<sup>8</sup> District school boards annually report the number of students attending the various types of public schools of choice, which may include: virtual instruction programs, magnet schools, and public charter school.<sup>9</sup>

### **Class Size Categorical Reduction Allocation**

Traditional public schools have class size limits set in every core-curricula classroom.<sup>10</sup> Class size is measured at the classroom level average and if the district fails to comply with the class size requirements, a portion of the district class size reduction categorical funds are withdrawn.<sup>11</sup>

### ***Funding***

The Class Size Reduction Allocation is funded with state funds in the Florida Education Finance Program (FEFP) based on a factor that compensates school districts for the additional teachers needed to achieve the class sizes of 18, 22, and 25 for grades prekindergarten to 3, 4 to 8, and 9 to 12 respectively.<sup>12</sup> Full funding was achieved by 2009-10 and since then, funds have been adjusted for workload.<sup>13</sup> In 2014-15, total funds are \$3 billion.<sup>14</sup>

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<sup>4</sup> Section 1003.03, F.S.

<sup>5</sup> Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03(2)(b), F.S. (2003).

<sup>6</sup> Each year, on or before the October student membership survey, the maximum number of student assigned to each teacher who is teaching core-curricula courses for prekindergarten through grade 3 may not exceed 18 students, school classrooms for 4-8 may not exceed 22 students, core-curricula courses in 9-12 may not exceed 25 students. *See* ss. 1003.03(1), F.S. and 1002.33(16)(b)3, F.S.

<sup>7</sup> Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

<sup>8</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (2014).

<sup>9</sup> Section 1002.31(4), F.S.

<sup>10</sup> Section 1003.01(14), F.S.

<sup>11</sup> Section 1003.03(4), F.S.

<sup>12</sup> Section 1003.03, F.S.

<sup>13</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>14</sup> *Id.*

### ***Compliance – Funding Adjustment***

For 2014-15, school districts are required to comply with class size requirements at the classroom level for each of the grade groups.<sup>15</sup> If a district is out of compliance, then an initial reduction to the district's class size allocation is calculated by cumulating the excess students in a classroom and then multiplying the total by the class size reduction factor and the base student allocation.<sup>16</sup> The initial penalty was calculated and determined to be \$11.3 million for traditional schools.<sup>17</sup>

For charter schools and schools of choice, compliance is measured based on the average class size for each school.<sup>18</sup> Once compliance is determined, the calculation proceeds in the same manner as for traditional schools.<sup>19</sup> The initial penalty for charter schools was \$2.8 million and for schools of choice, \$422,000.<sup>20</sup>

Following the initial reduction calculation, the Commissioner can take appeals from school districts and make a recommendation to the Legislative Budget Commission for an alternate reduction amount.<sup>21</sup> For 2014-15, the Commissioner's recommendation is based on data errors and unexpected growth in students greater than the number forecasted in the FEFP for the legislative budget.<sup>22</sup> Following appeals, the Commissioner's alternate penalty recommendation for 2014-15 is \$1.3 million for traditional schools, \$560,000 for charter schools, and \$177,000 for schools of choice.<sup>23</sup> If approved, 25% of the penalty will be allocated to compliant districts and schools, and if the noncompliant districts and schools submit a plan to achieve compliance in the subsequent fall, they then can retain 75% of the penalty.<sup>24</sup>

### **III. Effect of Proposed Changes:**

SB 818 revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level.

Changes to the calculation of full-time equivalent (FTE) students over the class size maximums in traditional public schools to be based on school level averages will reduce the amount of FTE out of compliance used to calculate the reduction to the class size allocation.<sup>25</sup>

The bill takes effect July 1, 2015.

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<sup>15</sup> Section 1003.03(4), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>18</sup> Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

<sup>19</sup> *Id.*

<sup>20</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>21</sup> Section 1003.03(4), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

<sup>24</sup> *Id.*

<sup>25</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (July 2014).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.03 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Garcia

38-01301-15

2015818\_\_

A bill to be entitled

An act relating to maximum class size; amending s. 1003.03, F.S.; requiring the calculation of a school district's class size categorical allocation reduction at the school average when maximum class size requirements are not met; revising the calculation; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) If the department determines that the number of students assigned to an ~~any~~ individual class exceeds the class size maximum, as required in subsection (1), based upon the October student membership survey, the department shall:

1. ~~Identify, for each grade group, the number of classes in which the number of students exceeds the maximum and the total number of students which exceeds the maximum for all classes.~~

2. ~~Determine the number of FTE students which exceeds the maximum for each grade group~~ calculated at the school average.

~~2.3-~~ Multiply the total number of FTE students which exceeds the maximum for each grade group calculated at the school average by the district's FTE dollar amount of the class size categorical allocation for that year and calculate the total for all three grade groups.

~~3.4-~~ Multiply the total number of FTE students which

38-01301-15

2015818\_\_

exceeds the maximum for all classes calculated at the school average by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for ~~each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the district cost differential in the 2015-2016 2014-2015~~ fiscal year and thereafter.

~~4.5-~~ Reduce the district's class size categorical allocation by an amount equal to the sum of the calculations in subparagraphs 2. and 3. ~~and 4.~~

Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

SB 818

Bill Number (if applicable)

Topic Class Size

Amendment Barcode (if applicable)

Name Robert Runcie

Job Title Superintendent

Address 600 SE 3rd Ave  
Street

Phone 754 321-2600

Fort Lauderdale FL 33301  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Broward Schools.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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MARCH 4, 2015  
Meeting Date

SB 818  
Bill Number (if applicable)

Topic MAXIMUM CLASS SIZES

Amendment Barcode (if applicable)

Name BOB NAVE

Job Title VICE PRESIDENT OF RESEARCH - FLORIDA TAXWATCH

Address 106 N. BRDNOUGH ST  
Street  
TALLAHASSEE FL 32301  
City State Zip

Phone 850.222.5052

Email bnav@florida tax watch.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA TAXWATCH

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/13  
Meeting Date

SB 818  
Bill Number (if applicable)

Topic CLASS SIZE

Amendment Barcode (if applicable)

Name TOM CERRA

Job Title CONSULTANT

Address 9737 NW 41st #359

Phone 305 513 9995

Street

MIAMI

FL

State

33178

Zip

Email tomcerra@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing GREATER FL. CONSORTIUM OF SCHOOL BDS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

8/4/15

Meeting Date

818

Bill Number (if applicable)

Topic SB 818 Maximum Class Size

Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St

Phone 850-577-5784

Street

Tallahassee

FL 32301

City

State

Zip

Email JFRANK@FAPSS.ORG

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Assoc. of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/4/15

Meeting Date

SB 818

Bill Number (if applicable)

Topic Class Size

Amendment Barcode (if applicable)

Name Sheela VanHoose

Job Title Director of Legislative Affairs

Address 600 SE 3rd Ave

Phone 754-321-2608

Street

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City

State

Zip

Email Sheela.Vanhooose@

broward schools. com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Broward County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-4-15

Meeting Date

SB 818

Bill Number (if applicable)

Topic Class Size Maximum

Amendment Barcode (if applicable)

Name Wendy Dodge

Job Title Director of Legislative Affairs

Address PO Box 391

Phone 863-838-3632

Street

BARTON

City

FL

State

33831

Zip

Email wendy.dodge@polk-fl.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing POLK County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15  
Meeting Date

SB 818  
Bill Number (if applicable)

Topic Class Size Reduction Penalty

Amendment Barcode (if applicable)

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace  
Street

Phone 561-644-2439

Wellington FL 33414  
City State Zip

Email vacrawford@msd.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Charlotte, Collier, Treasure Coast School District, Palm Beach Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/4/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

818

Bill Number (if applicable)

Topic SB 818 Class Size

Amendment Barcode (if applicable)

Name Traci Mendez-Chavez

Job Title Assoc. Superintendent

Address 1450 NE 2nd Ave #931

Phone (3) 995-1497

Street

Miami

FL

33132

City

State

Zip

Email imendez@chadeschak.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Miami Dade County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/4/15  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB818  
Bill Number (if applicable)

Topic CLASS SIZE IN PUBLIC SCHOOL

Amendment Barcode (if applicable)

Name BILL GRAHAM

Job Title INTERIM EXEC. DIRECTOR

Address 203 So. Monroe St.  
Street  
TALLAHASSEE FL 32301  
City State Zip

Phone 850-414-2578

Email graham@fsbe.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLA. SCHOOL BOARDS ASSOC.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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