

HB 7117

2014

1 A bill to be entitled

2 An act relating to school accountability; amending s.  
3 1008.34, F.S.; providing definitions for the  
4 statewide, standardized assessment program and school  
5 grading system; deleting annual reports; revising  
6 authority over allocation of a school's budget based  
7 on school grades; revising the basis for the  
8 calculation of school grades; deleting requirements  
9 for a school improvement rating; revising contents of  
10 the school report card; deleting provisions relating  
11 to performance-based funding policy; revising the  
12 basis for the calculation of district grades;  
13 requiring the Department of Education to develop a  
14 district report card; providing for transition to the  
15 revised school grading system; amending s. 1008.341,  
16 F.S.; revising the basis for the calculation of the  
17 school improvement rating for alternative schools;  
18 revising the rating designations and criteria upon  
19 which the ratings are determined; amending s.  
20 1008.3415, F.S.; correcting cross-references; amending  
21 s. 1001.42, F.S.; revising criteria that necessitate a  
22 school's improvement plan to include certain  
23 strategies for improving student performance; amending  
24 ss. 1002.33 and 1003.621, F.S.; revising cross-  
25 references; amending s. 1008.31, F.S.; revising  
26 legislative intent for the K-20 education performance

Page 1 of 45

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

hb7117-00

27 accountability system; amending s. 1008.33, F.S.;

28 conforming provisions relating to the state system of

29 school improvement and education accountability;

30 amending s. 1011.64, F.S.; correcting a cross-

31 reference; amending s. 1008.22, F.S.; authorizing use

32 of teacher-selected or principal-selected assessments

33 as a form of local assessment; requiring a district

34 school board to adopt policies relating to selection,

35 development, administration, and scoring of local

36 assessments; defining the term "child with medical

37 complexity"; providing that such a child may not

38 participate in statewide, standardized assessments

39 under certain circumstances; amending s. 1012.34,

40 F.S.; providing information to be included in annual

41 reports on the approval and implementation status of

42 school district personnel evaluation systems; revising

43 provisions relating to the measurement of student

44 learning growth for purposes of personnel evaluation;

45 conforming State Board of Education rulemaking

46 relating to performance evaluations; providing for

47 transition to new statewide, standardized assessments;

48 authorizing bonus rewards to school districts for

49 progress toward educator effectiveness; amending s.

50 1012.341, F.S.; removing rulemaking authority and

51 establishing a compliance verification process for the

52 exemption from performance evaluation system,

53 compensation, and salary schedule requirements;  
 54 providing an effective date.

55  
 56 Be It Enacted by the Legislature of the State of Florida:

57  
 58 Section 1. Section 1008.34, Florida Statutes, is amended  
 59 to read:

60 1008.34 School grading system; school report cards;  
 61 district grade.—

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

65 (a) "Achievement level," "student achievement," or  
 66 "achievement" describes the level of content mastery a student  
 67 has acquired in a particular subject as measured by a statewide,  
 68 standardized assessment administered pursuant to s.  
 69 1008.22 (3) (a) and (b). There are five achievement levels. Level  
 70 1 is the lowest achievement level, level 5 is the highest  
 71 achievement level, and level 3 indicates satisfactory  
 72 performance. A student passes an assessment if the student  
 73 achieves a level 3, level 4, or level 5. For purposes of the  
 74 Florida Alternate Assessment administered pursuant to s.  
 75 1008.22 (3) (c), the State Board of Education shall provide, in  
 76 rule, the number of achievement levels and identify the  
 77 achievement levels that are considered passing.

78 (b) "Learning Gains," "annual learning gains," or "student

HB 7117

2014

79 learning gains" means the degree of student learning growth  
80 occurring from one school year to the next as required by state  
81 board rule for purposes of calculating school grades under this  
82 section.

83 (c) "Student performance," "student academic performance,"  
84 or "academic performance" includes, but is not limited to,  
85 student learning growth, achievement levels, and Learning Gains  
86 on statewide, standardized assessments administered pursuant to  
87 s. 1008.22.

88 ~~(1) ANNUAL REPORTS. The Commissioner of Education shall~~  
89 ~~prepare annual reports of the results of the statewide~~  
90 ~~assessment program which describe student achievement in the~~  
91 ~~state, each district, and each school. The commissioner shall~~  
92 ~~prescribe the design and content of these reports, which must~~  
93 ~~include descriptions of the performance of all schools~~  
94 ~~participating in the assessment program and all of their major~~  
95 ~~student populations as determined by the commissioner. The~~  
96 ~~report must also include the percent of students performing at~~  
97 ~~or above grade level and making learning gains in reading and~~  
98 ~~mathematics. The provisions of s. 1002.22 pertaining to student~~  
99 ~~records apply to this section.~~

100 (2) SCHOOL GRADES. ~~The annual report shall identify~~  
101 Schools shall be graded using ~~as having~~ one of the following  
102 grades, defined according to rules of the State Board of  
103 Education:

104 (a) "A," schools making excellent progress.

- 105 (b) "B," schools making above average progress.
- 106 (c) "C," schools making satisfactory progress.
- 107 (d) "D," schools making less than satisfactory progress.
- 108 (e) "F," schools failing to make adequate progress.

109

110 Each school that earns a grade of "A" or improves at least two  
 111 letter grades may ~~shall~~ have greater authority over the  
 112 allocation of the school's total budget generated from the FEFP,  
 113 state categoricals, lottery funds, grants, and local funds, ~~as~~  
 114 ~~specified in state board rule. The rule must provide that the~~  
 115 ~~increased budget authority shall remain in effect until the~~  
 116 ~~school's grade declines.~~

117 (3) DESIGNATION OF SCHOOL GRADES.—

118 (a) Each school must assess at least 95 percent of its  
 119 eligible students, except as provided under s. 1008.341 for  
 120 alternative schools. ~~Beginning with the 2013-2014 school year,~~  
 121 ~~Each school that has students who are tested and included in the~~  
 122 ~~school grading system shall receive a school grade based on the~~  
 123 school's performance on the components listed in paragraph (b).  
 124 If a school does not have at least 10 students with complete  
 125 data for one or more of the components listed in paragraph (b),  
 126 those components may not be used in calculating the school's  
 127 grade. ~~if the number of its students tested on statewide~~  
 128 ~~assessments pursuant to s. 1008.22 meets or exceeds the minimum~~  
 129 ~~sample size of 10, except as follows:~~

- 130 1. An alternative school may choose to receive a school

HB 7117

2014

131 grade under this section or a school improvement rating under s.  
132 1008.341. For charter schools that meet the definition of an  
133 alternative school pursuant to State Board of Education rule,  
134 the decision to receive a school grade is the decision of the  
135 charter school governing board.

136 2. A school that serves any combination of students in  
137 kindergarten through grade 3 that ~~which~~ does not receive a  
138 school grade because its students are not tested and included in  
139 the school grading system shall receive the school grade  
140 designation of a K-3 feeder pattern school identified by the  
141 Department of Education and verified by the school district. A  
142 school feeder pattern exists if at least 60 percent of the  
143 students in the school serving a combination of students in  
144 kindergarten through grade 3 are scheduled to be assigned to the  
145 graded school.

146 3. If a collocated school does not earn a school grade or  
147 school improvement rating for the performance of its students,  
148 the student performance data of all schools operating at the  
149 same facility must be aggregated to develop a school grade that  
150 will be assigned to all schools at that location. A collocated  
151 school is a school that has its own unique master school  
152 identification number, provides for the education of each of its  
153 enrolled students, and operates at the same facility as another  
154 school that has its own unique master school identification  
155 number and provides for the education of each of its enrolled  
156 students.

HB 7117

2014

157           (b)1. Beginning with the 2014-2015 school year, a school's  
158 grade shall be based on the following components, each worth 100  
159 points ~~a combination of:~~

160           a. The percentage of eligible students passing ~~Student~~  
161 ~~achievement scores on~~ statewide, standardized assessments in  
162 English Language Arts administered pursuant to ~~under~~ s.  
163 1008.22 (3) ~~1008.22~~ and ~~achievement scores for students seeking a~~  
164 ~~special diploma.~~

165           b. The percentage of eligible students passing statewide,  
166 standardized assessments in mathematics administered pursuant to  
167 s. 1008.22 (3).

168           c. The percentage of eligible students passing statewide,  
169 standardized assessments in science administered pursuant to s.  
170 1008.22 (3).

171           d. The percentage of eligible students passing statewide,  
172 standardized assessments in social studies administered pursuant  
173 to s. 1008.22 (3).

174           ~~e.b.~~ The percentage of eligible students who make ~~Student~~  
175 ~~Learning Gains in FCAT Reading or, upon transition to common~~  
176 ~~core assessments, the common core~~ English Language Arts and  
177 ~~Mathematics assessments~~ as measured by statewide, standardized  
178 assessments administered pursuant to s. 1008.22 (3) ~~1008.22,~~  
179 ~~including learning gains for students seeking a special diploma,~~  
180 ~~as measured by an alternate assessment.~~

181           f. The percentage of eligible students who make Learning  
182 Gains in mathematics as measured by statewide, standardized

HB 7117

2014

183 assessments administered pursuant to s. 1008.22(3).

184 g.e. The percentage of eligible students in ~~Improvement of~~  
185 the lowest 25 percent in English Language Arts, as identified by  
186 prior year performance on statewide, standardized assessments,  
187 who make Learning Gains in English Language Arts as measured by  
188 statewide, standardized assessments administered pursuant to s.  
189 1008.22(3) 25th percentile of students in the school in reading  
190 or, upon transition to common core assessments, English Language  
191 Arts and Mathematics assessments administered pursuant to s.  
192 1008.22, unless these students are exhibiting satisfactory  
193 performance.

194 h. The percentage of eligible students in the lowest 25  
195 percent in mathematics, as identified by prior year performance  
196 on statewide, standardized assessments, who make Learning Gains  
197 in mathematics as measured by statewide, standardized  
198 assessments administered pursuant to s. 1008.22(3).

199  
200 In calculating Learning Gains for the components listed in sub-  
201 subparagraphs e.-h., the State Board of Education shall require  
202 that learning growth toward achievement levels 3, 4, and 5 is  
203 demonstrated by students who scored below each of those levels  
204 in the prior year.

205 ~~2. Beginning with the 2011-2012 school year, for schools~~  
206 ~~comprised of middle grades 6 through 8 or grades 7 and 8, the~~  
207 ~~school's grade shall include the performance and participation~~  
208 ~~of its students enrolled in high school level courses with~~



HB 7117

2014

209 ~~statewide, standardized assessments administered under s.~~  
210 ~~1008.22. Performance and participation must be weighted equally.~~  
211 ~~As valid data becomes available, the school grades shall include~~  
212 ~~the students' attainment of national industry certification~~  
213 ~~identified in the Industry Certification Funding List pursuant~~  
214 ~~to rules adopted by the state board.~~

215 ~~2.3. Beginning with the 2009-2010 school year~~ For a school  
216 ~~schools~~ comprised of ~~high school~~ grades 9, 10, 11, and 12, or  
217 grades 10, 11, and 12, the school's grade at least 50 percent of  
218 ~~the school grade~~ shall also be based on a combination of the  
219 ~~factors listed in sub-subparagraphs 1.a. c. and the remaining~~  
220 ~~percentage on~~ the following components, each worth 100 points  
221 factors:

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

224 b. The percentage of students who were eligible to earn  
225 college credit through ~~As valid data becomes available, the~~  
226 ~~performance and participation of the school's students in~~  
227 College Board Advanced Placement examinations ~~courses,~~  
228 International Baccalaureate examinations ~~courses,~~ dual  
229 enrollment courses, or ~~and~~ Advanced International Certificate of  
230 Education examinations ~~courses; or who, at any time during high~~  
231 school, earned ~~and the students' achievement of national~~  
232 industry certification for which there is a statewide  
233 articulation agreement and that is identified in the Industry  
234 Certification Funding List, pursuant to rules adopted by the

HB 7117

2014

235 state board.~~†~~

236 (c)1. The calculation of a school grade shall be based on  
237 the percentage of points earned from the components listed in  
238 subparagraph (b)1. and, if applicable, subparagraph (b)2. The  
239 State Board of Education shall adopt in rule a school grading  
240 scale that sets the percentage of points needed to earn each of  
241 the school grades listed in subsection (2). There shall be at  
242 least five percentage points separating the percentage  
243 thresholds needed to earn each of the school grades. The state  
244 board shall periodically review the school grading scale to  
245 determine if the scale should be adjusted upward to meet raised  
246 expectations and encourage increased student performance.

247 2. The calculation of school grades may not include any  
248 provision that would raise or lower the school's grade beyond  
249 the percentage of points earned. Extra weight may not be added  
250 to the calculation of any components.

251 ~~e. Postsecondary readiness of all of the school's on-time~~  
252 ~~graduates as measured by the SAT, the ACT, the Postsecondary~~  
253 ~~Education Readiness Test, or the common placement test;~~

254 ~~d. The high school graduation rate of at-risk students,~~  
255 ~~who score Level 1 or Level 2 on grade 8 FCAT Reading or the~~  
256 ~~English Language Arts and mathematics assessments administered~~  
257 ~~under s. 1008.22;~~

258 ~~e. As valid data becomes available, the performance of the~~  
259 ~~school's students on statewide, standardized end-of-course~~  
260 ~~assessments administered under s. 1008.22(3)(b)4. and 5.; and~~

HB 7117

2014

261 ~~f. The growth or decline in the components listed in sub-~~  
262 ~~subparagraphs a. e. from year to year.~~

263 ~~(c) Student assessment data used in determining school~~  
264 ~~grades shall include:~~

265 ~~1. The aggregate scores of all eligible students enrolled~~  
266 ~~in the school who have been assessed on statewide, standardized~~  
267 ~~assessments in courses required for high school graduation,~~  
268 ~~including, beginning with the 2011-2012 school year, the end-of-~~  
269 ~~course assessment in Algebra I; and beginning with the 2012-2013~~  
270 ~~school year, the end-of-course assessments in Geometry and~~  
271 ~~Biology I; and beginning with the 2014-2015 school year, on the~~  
272 ~~statewide, standardized end-of-course assessment in civics~~  
273 ~~education at the middle grades level.~~

274 ~~2. The aggregate scores of all eligible students enrolled~~  
275 ~~in the school who have been assessed on statewide, standardized~~  
276 ~~assessments under s. 1008.22 and who have scored at or in the~~  
277 ~~lowest 25th percentile of students in the school in reading and~~  
278 ~~mathematics, unless these students are exhibiting satisfactory~~  
279 ~~performance.~~

280 (d) The performance of students attending alternative  
281 schools and students designated as hospital or homebound shall  
282 be factored into a school grade as follows:

283 1.3. The student performance data for achievement scores  
284 and learning gains of eligible students attending alternative  
285 schools that provide dropout prevention and academic  
286 intervention services pursuant to s. 1003.53 shall be included

287 in the calculation of the home school's grade. The term  
288 "eligible students" in this subparagraph does not include  
289 students attending an alternative school who are subject to  
290 district school board policies for expulsion for repeated or  
291 serious offenses, who are in dropout retrieval programs serving  
292 students who have officially been designated as dropouts, or who  
293 are in programs operated or contracted by the Department of  
294 Juvenile Justice. ~~The student performance data for eligible~~  
295 ~~students identified in this subparagraph shall be included in~~  
296 ~~the calculation of the home school's grade.~~ As used in this  
297 subparagraph and s. 1008.341, the term "home school" means the  
298 school to which the student would be assigned if the student  
299 were not assigned to an alternative school. If an alternative  
300 school chooses to be graded under this section, student  
301 performance data for eligible students identified in this  
302 subparagraph shall not be included in the home school's grade  
303 but shall be included only in the calculation of the alternative  
304 school's grade. A school district that fails to assign  
305 statewide, standardized end-of-course assessment scores of each  
306 of its students to his or her home school or to the alternative  
307 school that receives a grade shall forfeit Florida School  
308 Recognition Program funds for 1 fiscal year. School districts  
309 must require collaboration between the home school and the  
310 alternative school in order to promote student success. This  
311 collaboration must include an annual discussion between the  
312 principal of the alternative school and the principal of each

HB 7117

2014

313 student's home school concerning the most appropriate school  
314 assignment of the student.

315 2.4. Student performance data for ~~The achievement scores~~  
316 ~~and learning gains of~~ students designated as hospital or  
317 homebound hospital ~~or homebound~~. ~~Student assessment data for~~  
318 ~~students designated as hospital or homebound~~ shall be assigned  
319 to their home school for the purposes of school grades. As used  
320 in this subparagraph, the term "home school" means the school to  
321 which a student would be assigned if the student were not  
322 assigned to a hospital or homebound ~~hospital or homebound~~  
323 program.

324 ~~5. For schools comprised of high school grades 9, 10, 11,~~  
325 ~~and 12, or grades 10, 11, and 12, the data listed in~~  
326 ~~subparagraphs 1.-3. and the following data as the Department of~~  
327 ~~Education determines such data are valid and available:~~

328 ~~a. The high school graduation rate of the school as~~  
329 ~~calculated by the department;~~

330 ~~b. The participation rate of all eligible students~~  
331 ~~enrolled in the school and enrolled in College Board Advanced~~  
332 ~~Placement courses; International Baccalaureate courses; dual~~  
333 ~~enrollment courses; Advanced International Certificate of~~  
334 ~~Education courses; and courses or sequences of courses leading~~  
335 ~~to national industry certification identified in the Industry~~  
336 ~~Certification Funding List, pursuant to rules adopted by the~~  
337 ~~State Board of Education;~~

338 ~~c. The aggregate scores of all eligible students enrolled~~

HB 7117

2014

339 ~~in the school in College Board Advanced Placement courses,~~  
340 ~~International Baccalaureate courses, and Advanced International~~  
341 ~~Certificate of Education courses;~~

342 ~~d. Earning of college credit by all eligible students~~  
343 ~~enrolled in the school in dual enrollment programs under s.~~  
344 ~~1007.271;~~

345 ~~e. Earning of a national industry certification identified~~  
346 ~~in the Industry Certification Funding List, pursuant to rules~~  
347 ~~adopted by the State Board of Education;~~

348 ~~f. The aggregate scores of all eligible students enrolled~~  
349 ~~in the school in reading, mathematics, and other subjects as~~  
350 ~~measured by the SAT, the ACT, the Postsecondary Education~~  
351 ~~Readiness Test, and the common placement test for postsecondary~~  
352 ~~readiness;~~

353 ~~g. The high school graduation rate of all eligible at-risk~~  
354 ~~students enrolled in the school who scored Level 2 or lower on~~  
355 ~~grade 8 FCAT Reading and FCAT Mathematics;~~

356 ~~h. The performance of the school's students on statewide,~~  
357 ~~standardized end-of-course assessments administered under s.~~  
358 ~~1008.22(3)(b)4. and 5.; and~~

359 ~~i. The growth or decline in the data components listed in~~  
360 ~~sub-subparagraphs a.-h. from year to year.~~

361

362 ~~The State Board of Education shall adopt appropriate criteria~~  
363 ~~for each school grade. The criteria must also give added weight~~  
364 ~~to student achievement in reading. Schools earning a grade of~~

HB 7117

2014

365 ~~"C," making satisfactory progress, shall be required to~~  
366 ~~demonstrate that adequate progress has been made by students in~~  
367 ~~the school who are in the lowest 25th percentile in reading and~~  
368 ~~mathematics on statewide, standardized assessments under s.~~  
369 ~~1008.22, unless these students are exhibiting satisfactory~~  
370 ~~performance. For schools comprised of high school grades 9, 10,~~  
371 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~  
372 ~~grades must also give added weight to the graduation rate of all~~  
373 ~~eligible at-risk students. In order for a high school to earn a~~  
374 ~~grade of "A," the school must demonstrate that its at-risk~~  
375 ~~students, as defined in this paragraph, are making adequate~~  
376 ~~progress.~~

377 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~  
378 ~~identify each school's performance as having improved, remained~~  
379 ~~the same, or declined. This school improvement rating shall be~~  
380 ~~based on a comparison of the current year's and previous year's~~  
381 ~~student and school performance data. A school that improves its~~  
382 ~~rating by at least one level is eligible for school recognition~~  
383 ~~awards pursuant to s. 1008.36.~~

384 ~~(4)~~ (5) SCHOOL REPORT CARD.—The Department of Education  
385 shall annually develop, in collaboration with the school  
386 districts, a school report card to be provided by the school  
387 district to parents within the district. The report card shall  
388 include the school's grade; student performance in English  
389 Language Arts, mathematics, science, and social studies;  
390 information regarding school improvement; an explanation of

HB 7117

2014

391 school performance as evaluated by the federal Elementary and  
392 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.~~;~~ and  
393 indicators of return on investment. Each school's report card  
394 shall be published annually by the department on its website  
395 based upon the most recent data available.

396 ~~(6) PERFORMANCE-BASED FUNDING.—The Legislature may factor~~  
397 ~~in the performance of schools in calculating any performance-~~  
398 ~~based funding policy that is provided for annually in the~~  
399 ~~General Appropriations Act.~~

400 ~~(5) (7) DISTRICT GRADE.—The annual report required by~~  
401 ~~subsection (1) shall include the school district's grade.~~  
402 Beginning with the 2014-2015 school year, a school district's  
403 grade shall include a district-level calculation of the  
404 components under paragraph (3) (b) be calculated using student  
405 performance and learning gains data on statewide assessments  
406 used for determining school grades under subparagraph (3) (b) 1.  
407 for each eligible student enrolled for a full school year in the  
408 district. This calculation methodology captures each eligible  
409 student in the district who may have transferred among schools  
410 within the district or is enrolled in a school that does not  
411 receive a grade. The department shall develop a district report  
412 card that includes the district's grade; measures of the  
413 district's progress in closing the achievement gap between  
414 higher-performing student subgroups and lower-performing student  
415 subgroups; measures of the district's progress in demonstrating  
416 Learning Gains of its highest-performing students; measures of



417 the district's success in improving student attendance; the  
418 district's grade-level promotion of students scoring achievement  
419 levels 1 and 2 on statewide, standardized English Language Arts  
420 and mathematics assessments; and measures of the district's  
421 performance in preparing students for the transition from  
422 elementary to middle school, middle to high school, and high  
423 school to postsecondary institutions and careers.

424 (6)~~(8)~~ RULES.—The State Board of Education shall adopt  
425 rules under ss. 120.536(1) and 120.54 to administer this  
426 section.

427 (7) TRANSITION.—School grades and school improvement  
428 ratings pursuant to s. 1008.341 for the 2013-2014 school year  
429 shall be calculated based on statutes and rules in effect on  
430 June 30, 2014. To assist in the transition to 2014-2015 school  
431 grades and school improvement ratings pursuant to s. 1008.341  
432 that are calculated based on new statewide, standardized  
433 assessments administered pursuant to s. 1008.22, the 2014-2015  
434 school grades shall serve as an informational baseline for  
435 schools to work toward improved performance in future years.  
436 Accordingly, notwithstanding any other provision of law:

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

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

HB 7117

2014

443 rating for the 2014-2015 school year compared to the 2013-2014  
444 school year is not subject to sanctions or penalties that would  
445 otherwise occur as a result of the 2014-2015 school grade or  
446 rating. A charter school system or a school district designated  
447 as high performing may not lose the designation based on the  
448 2014-2015 school grades of any of the schools within the charter  
449 school system or school district, as applicable.

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

453 (c) For purposes of determining grade 3 retention pursuant  
454 to s. 1008.25(5) and high school graduation pursuant to s.  
455 1003.4282, student performance on the 2014-2015 statewide,  
456 standardized assessments shall be linked to 2013-2014 student  
457 performance expectations.

458

459 This subsection is repealed July 1, 2017.

460 Section 2. Subsections (2), (3), and (4) of section  
461 1008.341, Florida Statutes, are amended to read:

462 1008.341 School improvement rating for alternative  
463 schools.—

464 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a  
465 school that provides dropout prevention and academic  
466 intervention services pursuant to s. 1003.53. An alternative  
467 school shall receive a school improvement rating pursuant to  
468 this section unless the school earns a school grade pursuant to

HB 7117

2014

469 s. 1008.34. ~~An Beginning with the 2013-2014 school year, each~~  
470 alternative school that chooses to receive a school improvement  
471 rating shall receive a school improvement rating if the number  
472 of its students for whom student performance data on statewide,  
473 standardized assessments pursuant to s. 1008.22 which is  
474 available for the current year and previous year meets or  
475 exceeds the minimum sample size of 10. If an alternative school  
476 does not have at least 10 students with complete data for a  
477 component listed in subsection (3), that component may not be  
478 used in calculating the school's improvement rating. The  
479 calculation of the school improvement rating shall be based on  
480 the percentage of points earned from the components listed in  
481 subsection (3). An alternative school that tests at least 80  
482 percent of its students may receive a school improvement rating.  
483 If an alternative school tests less than 90 percent of its  
484 students, the school may not earn a rating higher than  
485 "maintaining." Beginning with the 2016-2017 school year, if an  
486 alternative school does not meet the requirements for the  
487 issuance of a school improvement rating in the current year and  
488 has failed to receive a school improvement rating for the prior  
489 2 consecutive years, the school shall receive a rating for the  
490 current year based upon a compilation of all student Learning  
491 Gains for all grade levels for those 3 years. Likewise, if the  
492 school fails to meet the requirements for a rating the following  
493 year or any year thereafter, the school's rating shall be based  
494 on a compilation of student Learning Gains achieved during the

HB 7117

2014

495 current and prior 2 years. The school improvement rating shall  
496 identify an alternative school as having one of the following  
497 ratings defined according to rules of the State Board of  
498 Education:

499 (a) "Commendable" ~~"Improving"~~ means a significant  
500 percentage of the students attending the school are making  
501 Learning Gains ~~more academic progress than when the students~~  
502 ~~were served in their home schools.~~

503 (b) "Maintaining" means a sufficient percentage of the  
504 students attending the school are making Learning Gains ~~progress~~  
505 ~~equivalent to the progress made when the students were served in~~  
506 ~~their home schools.~~

507 (c) "Unsatisfactory" ~~"Declining"~~ means an insufficient  
508 percentage of the students attending the school are making  
509 Learning Gains ~~less academic progress than when the students~~  
510 ~~were served in their home schools.~~

511  
512 ~~The school improvement rating shall be based on a comparison of~~  
513 ~~student performance data for the current year and previous year.~~  
514 Schools that improve at least one level or maintain a  
515 "commendable" ~~an "improving"~~ rating pursuant to this section are  
516 eligible for school recognition awards pursuant to s. 1008.36.

517 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING. ~~Student data~~  
518 ~~used in determining an alternative school's school improvement~~  
519 ~~rating shall include:~~

520 (a) Student Learning Gains ~~performance results~~ based on

HB 7117

2014

521 statewide, standardized assessments, including retakes,  
522 administered under s. 1008.22 for all eligible students who were  
523 assigned to and enrolled in the school during the October or  
524 February FTE count and who have assessment scores or comparable  
525 scores for the preceding school year shall be used in  
526 determining an alternative school's school improvement rating.  
527 An alternative school's rating shall be based on the following  
528 components:

529 (a) The percentage of eligible students who make Learning  
530 Gains in English Language Arts as measured by statewide,  
531 standardized assessments administered pursuant to s. 1008.22(3).

532 (b) The percentage of eligible students who make Learning  
533 Gains in mathematics as measured by statewide, standardized  
534 assessments administered pursuant to s. 1008.22(3).

535 ~~(b) Student performance results based on statewide,~~  
536 ~~standardized assessments, including retakes, administered under~~  
537 ~~s. 1008.22 for all eligible students who were assigned to and~~  
538 ~~enrolled in the school during the October or February FTE count~~  
539 ~~and who have scored in the lowest 25th percentile of students in~~  
540 ~~the state on FCAT Reading.~~

541  
542 Student performance results of students who are subject to  
543 district school board policies for expulsion for repeated or  
544 serious offenses, who are in dropout retrieval programs serving  
545 students who have officially been designated as dropouts, or who  
546 are in programs operated or contracted by the Department of

547 Juvenile Justice may not be included in an alternative school's  
 548 school improvement rating.

549 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each  
 550 alternative school receiving a school improvement rating, the  
 551 Department of Education shall annually identify the percentage  
 552 of students making Learning Gains consistent with s. 1008.34(3)  
 553 ~~as compared to the percentage of the same students making~~  
 554 ~~learning gains in their home schools in the year prior to being~~  
 555 ~~assigned to the alternative school.~~

556 Section 3. Subsection (2) of section 1008.3415, Florida  
 557 Statutes, is amended to read:

558 1008.3415 School grade or school improvement rating for  
 559 exceptional student education centers.—

560 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(c)3.~~, the  
 561 achievement levels ~~scores~~ and Learning Gains of a student with a  
 562 disability who attends an exceptional student education center  
 563 and has not been enrolled in or attended a public school other  
 564 than an exceptional student education center for grades K-12  
 565 within the school district shall not be included in the  
 566 calculation of the home school's grade if the student is  
 567 identified as an emergent student on the alternate assessment  
 568 tool described in s. 1008.22(3)(c) ~~1008.22(3)(c)13.~~

569 Section 4. Subsection (18) of section 1001.42, Florida  
 570 Statutes, is amended to read:

571 1001.42 Powers and duties of district school board.—The  
 572 district school board, acting as a board, shall exercise all

573 powers and perform all duties listed below:

574 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—

575 Maintain a ~~state~~ system of school improvement and education  
 576 accountability as provided by statute and State Board of  
 577 Education rule. This system of school improvement and education  
 578 accountability shall be consistent with, and implemented  
 579 through, the district's continuing system of planning and  
 580 budgeting required by this section and ss. 1008.385, 1010.01,  
 581 and 1011.01. This system of school improvement and education  
 582 accountability shall comply with the provisions of ss. 1008.33,  
 583 1008.34, 1008.345, and 1008.385 and include the following:

584 (a) School improvement plans.—The district school board  
 585 shall annually approve and require implementation of a new,  
 586 amended, or continuation school improvement plan for each school  
 587 in the district. If a school has a significant gap in  
 588 achievement on statewide, standardized assessments administered  
 589 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student  
 590 subgroups, as defined in the federal Elementary and Secondary  
 591 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not  
 592 significantly increased ~~decreased~~ the percentage of students  
 593 passing ~~scoring below satisfactory on~~ statewide, standardized  
 594 assessments; has not significantly increased the percentage of  
 595 students demonstrating Learning Gains, as defined in s. 1008.34  
 596 and calculated under s. 1008.34(3)(b), who passed statewide,  
 597 standardized assessments; or has significantly lower graduation  
 598 rates for a subgroup when compared to the state's graduation

HB 7117

2014

599 rate, that school's improvement plan shall include strategies  
600 for improving these results. The state board shall adopt rules  
601 establishing thresholds and for determining compliance with this  
602 paragraph.

603 (b) Public disclosure.—The district school board shall  
604 provide information regarding the performance of students and  
605 educational programs as required pursuant to ss. 1008.22 and  
606 1008.385 and implement a system of school reports as required by  
607 statute and State Board of Education rule which shall include  
608 schools operating for the purpose of providing educational  
609 services to youth in Department of Juvenile Justice programs,  
610 and for those schools, report on the elements specified in s.  
611 1003.52(19). Annual public disclosure reports shall be in an  
612 easy-to-read report card format and shall include the school's  
613 grade, high school graduation rate calculated without GED tests,  
614 disaggregated by student ethnicity, and performance data as  
615 specified in state board rule.

616 (c) School improvement funds.—The district school board  
617 shall provide funds to schools for developing and implementing  
618 school improvement plans. Such funds shall include those funds  
619 appropriated for the purpose of school improvement pursuant to  
620 s. 24.121(5)(c).

621 Section 5. Paragraph (n) of subsection (9) and paragraph  
622 (b) of subsection (21) of section 1002.33, Florida Statutes, are  
623 amended to read:

624 1002.33 Charter schools.—



HB 7117

2014

625 (9) CHARTER SCHOOL REQUIREMENTS.—

626 (n)1. The director and a representative of the governing  
627 board of a charter school that has earned a grade of "D" or "F"  
628 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the  
629 sponsor to present information concerning each contract  
630 component having noted deficiencies. The director and a  
631 representative of the governing board shall submit to the  
632 sponsor for approval a school improvement plan to raise student  
633 performance achievement. Upon approval by the sponsor, the  
634 charter school shall begin implementation of the school  
635 improvement plan. The department shall offer technical  
636 assistance and training to the charter school and its governing  
637 board and establish guidelines for developing, submitting, and  
638 approving such plans.

639 2.a. If a charter school earns three consecutive grades of  
640 "D," two consecutive grades of "D" followed by a grade of "F,"  
641 or two nonconsecutive grades of "F" within a 3-year period, the  
642 charter school governing board shall choose one of the following  
643 corrective actions:

644 (I) Contract for educational services to be provided  
645 directly to students, instructional personnel, and school  
646 administrators, as prescribed in state board rule;

647 (II) Contract with an outside entity that has a  
648 demonstrated record of effectiveness to operate the school;

649 (III) Reorganize the school under a new director or  
650 principal who is authorized to hire new staff; or

HB 7117

2014

651 (IV) Voluntarily close the charter school.

652 b. The charter school must implement the corrective action  
653 in the school year following receipt of a third consecutive  
654 grade of "D," a grade of "F" following two consecutive grades of  
655 "D," or a second nonconsecutive grade of "F" within a 3-year  
656 period.

657 c. The sponsor may annually waive a corrective action if  
658 it determines that the charter school is likely to improve a  
659 letter grade if additional time is provided to implement the  
660 intervention and support strategies prescribed by the school  
661 improvement plan. Notwithstanding this sub-subparagraph, a  
662 charter school that earns a second consecutive grade of "F" is  
663 subject to subparagraph 4.

664 d. A charter school is no longer required to implement a  
665 corrective action if it improves by at least one letter grade.  
666 However, the charter school must continue to implement  
667 strategies identified in the school improvement plan. The  
668 sponsor must annually review implementation of the school  
669 improvement plan to monitor the school's continued improvement  
670 pursuant to subparagraph 5.

671 e. A charter school implementing a corrective action that  
672 does not improve by at least one letter grade after 2 full  
673 school years of implementing the corrective action must select a  
674 different corrective action. Implementation of the new  
675 corrective action must begin in the school year following the  
676 implementation period of the existing corrective action, unless

HB 7117

2014

677 the sponsor determines that the charter school is likely to  
678 improve a letter grade if additional time is provided to  
679 implement the existing corrective action. Notwithstanding this  
680 sub-subparagraph, a charter school that earns a second  
681 consecutive grade of "F" while implementing a corrective action  
682 is subject to subparagraph 4.

683 3. A charter school with a grade of "D" or "F" that  
684 improves by at least one letter grade must continue to implement  
685 the strategies identified in the school improvement plan. The  
686 sponsor must annually review implementation of the school  
687 improvement plan to monitor the school's continued improvement  
688 pursuant to subparagraph 5.

689 4. The sponsor shall terminate a charter if the charter  
690 school earns two consecutive grades of "F" unless:

691 a. The charter school is established to turn around the  
692 performance of a district public school pursuant to s.  
693 1008.33(4)(b)3. Such charter schools shall be governed by s.  
694 1008.33;

695 b. The charter school serves a student population the  
696 majority of which resides in a school zone served by a district  
697 public school that earned a grade of "F" in the year before the  
698 charter school opened and the charter school earns at least a  
699 grade of "D" in its third year of operation. The exception  
700 provided under this sub-subparagraph does not apply to a charter  
701 school in its fourth year of operation and thereafter; or

702 c. The state board grants the charter school a waiver of

HB 7117

2014

703 termination. The charter school must request the waiver within  
704 15 days after the department's official release of school  
705 grades. The state board may waive termination if the charter  
706 school demonstrates that the Learning Gains of its students on  
707 statewide assessments are comparable to or better than the  
708 Learning Gains of similarly situated students enrolled in nearby  
709 district public schools. The waiver is valid for 1 year and may  
710 only be granted once. Charter schools that have been in  
711 operation for more than 5 years are not eligible for a waiver  
712 under this sub-subparagraph.

713 5. The director and a representative of the governing  
714 board of a graded charter school that has implemented a school  
715 improvement plan under this paragraph shall appear before the  
716 sponsor at least once a year to present information regarding  
717 the progress of intervention and support strategies implemented  
718 by the school pursuant to the school improvement plan and  
719 corrective actions, if applicable. The sponsor shall communicate  
720 at the meeting, and in writing to the director, the services  
721 provided to the school to help the school address its  
722 deficiencies.

723 6. Notwithstanding any provision of this paragraph except  
724 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter  
725 at any time pursuant to subsection (8).

726 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

727 (b)1. The Department of Education shall report to each  
728 charter school receiving a school grade pursuant to s. 1008.34

HB 7117

2014

729 or a school improvement rating pursuant to s. 1008.341 the  
730 school's student assessment data pursuant to s. 1008.34(3)(c)  
731 ~~which is reported to schools that receive a school grade or~~  
732 ~~student assessment data pursuant to s. 1008.341(3) which is~~  
733 ~~reported to alternative schools that receive a school~~  
734 ~~improvement rating to each charter school that:~~

735       ~~a. Does not receive a school grade pursuant to s. 1008.34~~  
736 ~~or a school improvement rating pursuant to s. 1008.341; and~~

737       ~~b. Serves at least 10 students who are tested on the~~  
738 ~~statewide assessment test pursuant to s. 1008.22.~~

739       2. The charter school shall report the information in  
740 subparagraph 1. to each parent of a student at the charter  
741 school, the parent of a child on a waiting list for the charter  
742 school, the district in which the charter school is located, and  
743 the governing board of the charter school. This paragraph does  
744 not abrogate the provisions of s. 1002.22, relating to student  
745 records, or the requirements of 20 U.S.C. s. 1232g, the Family  
746 Educational Rights and Privacy Act.

747       3.a. Pursuant to this paragraph, the Department of  
748 Education shall compare the charter school student performance  
749 data for each charter school in subparagraph 1. with the student  
750 performance data in traditional public schools in the district  
751 in which the charter school is located and other charter schools  
752 in the state. For alternative charter schools, the department  
753 shall compare the student performance data described in this  
754 paragraph with all alternative schools in the state. The

HB 7117

2014

755 comparative data shall be provided by the following grade  
756 groupings:

- 757 (I) Grades 3 through 5;  
758 (II) Grades 6 through 8; and  
759 (III) Grades 9 through 11.

760 b. Each charter school shall provide the information  
761 specified in this paragraph on its Internet website and also  
762 provide notice to the public at large in a manner provided by  
763 the rules of the State Board of Education. The State Board of  
764 Education shall adopt rules to administer the notice  
765 requirements of this subparagraph pursuant to ss. 120.536(1) and  
766 120.54. The website shall include, through links or actual  
767 content, other information related to school performance.

768 Section 6. Paragraphs (a) and (d) of subsection (1) of  
769 section 1003.621, Florida Statutes, are amended to read:

770 1003.621 Academically high-performing school districts.—It  
771 is the intent of the Legislature to recognize and reward school  
772 districts that demonstrate the ability to consistently maintain  
773 or improve their high-performing status. The purpose of this  
774 section is to provide high-performing school districts with  
775 flexibility in meeting the specific requirements in statute and  
776 rules of the State Board of Education.

777 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

778 (a) A school district is an academically high-performing  
779 school district if it meets the following criteria:

780 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a

781 grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2 consecutive  
 782 years; and

783 b. Has no district-operated school that earns a grade of  
 784 "F" under s. 1008.34;

785 2. Complies with all class size requirements in s. 1, Art.  
 786 IX of the State Constitution and s. 1003.03; and

787 3. Has no material weaknesses or instances of material  
 788 noncompliance noted in the annual financial audit conducted  
 789 pursuant to s. 11.45 or s. 218.39.

790 (d) In order to maintain the designation as an  
 791 academically high-performing school district pursuant to this  
 792 section, a school district must meet the following requirements:

793 1. Comply with the provisions of subparagraphs (a)2. and  
 794 3.; and

795 2. Earn a grade of "A" under s. 1008.34 ~~1008.34(7)~~ for 2  
 796 years within a 3-year period.

797  
 798 However, a district in which a district-operated school earns a  
 799 grade of "F" under s. 1008.34 during the 3-year period may not  
 800 continue to be designated as an academically high-performing  
 801 school district during the remainder of that 3-year period. The  
 802 district must meet the criteria in paragraph (a) in order to be  
 803 redesignated as an academically high-performing school district.

804 Section 7. Paragraph (b) of subsection (1) of section  
 805 1008.31, Florida Statutes, is amended to read:

806 1008.31 Florida's K-20 education performance

807 accountability system; legislative intent; mission, goals, and  
 808 systemwide measures; data quality improvements.-

809 (1) LEGISLATIVE INTENT.-It is the intent of the  
 810 Legislature that:

811 (b) The K-20 education performance accountability system  
 812 be established as a single, unified accountability system with  
 813 multiple components, including, but not limited to, ~~measures of~~  
 814 ~~adequate yearly progress, individual~~ student performance  
 815 ~~learning gains~~ in public schools and, school and district  
 816 ~~grades, and return on investment.~~

817 Section 8. Subsection (2) of section 1008.33, Florida  
 818 Statutes, is amended to read:

819 1008.33 Authority to enforce public school improvement.-

820 (2) (a) Pursuant to subsection (1) and ss. 1008.34,  
 821 1008.345, and 1008.385, the State Board of Education shall hold  
 822 all school districts and public schools accountable for student  
 823 performance. The state board is responsible for a state system  
 824 of school improvement and education accountability that assesses  
 825 student performance by school, identifies schools that in which  
 826 ~~students~~ are not meeting accountability ~~making adequate progress~~  
 827 ~~toward state~~ standards, and institutes appropriate measures for  
 828 enforcing improvement.

829 (b) The state system of school improvement and education  
 830 accountability must provide for uniform accountability  
 831 standards, provide assistance of escalating intensity to ~~low-~~  
 832 ~~performing~~ schools not meeting accountability standards, direct



HB 7117

2014

833 support to schools in order to improve and sustain performance,  
834 focus on the performance of student subgroups, and enhance  
835 student performance.

836 (c) School districts must be held accountable for  
837 improving the academic performance ~~achievement~~ of all students  
838 and for identifying and improving ~~turning around low-performing~~  
839 schools that fail to meet the accountability standards.

840 Section 9. Paragraph (a) of subsection (2) of section  
841 1011.64, Florida Statutes, is amended to read:

842 1011.64 School district minimum classroom expenditure  
843 requirements.—

844 (2) For the purpose of implementing the provisions of this  
845 section, the Legislature shall prescribe minimum academic  
846 performance standards and minimum classroom expenditure  
847 requirements for districts not meeting such minimum academic  
848 performance standards in the General Appropriations Act.

849 (a) Minimum academic performance standards may be based  
850 on, but are not limited to, district grades determined pursuant  
851 to s. 1008.34 ~~1008.34(7)~~.

852 Section 10. Subsection (6) of section 1008.22, Florida  
853 Statutes, is amended, subsections (9) and (10) are renumbered as  
854 subsections (10) and (11), respectively, and a new subsection  
855 (9) is added to that section, to read:

856 1008.22 Student assessment program for public schools.—

857 (6) LOCAL ASSESSMENTS.—

858 (a) Measurement of student performance ~~learning gains~~ in

HB 7117

2014

859 all subjects and grade levels, except those subjects and grade  
860 levels measured under the statewide, standardized assessment  
861 program described in this section, is the responsibility of the  
862 school districts.

863 (b) Except for those subjects and grade levels measured  
864 under the statewide, standardized assessment program, beginning  
865 with the 2014-2015 school year, each school district shall  
866 administer for each course offered in the district a local  
867 ~~student~~ assessment that measures student mastery of course ~~the~~  
868 ~~content, as described in the state-adopted course description,~~  
869 at the necessary level of rigor for the course. As adopted  
870 pursuant to State Board of Education rule, course content is set  
871 forth in the state standards required by s. 1003.41 and in the  
872 course description. Local ~~Such~~ assessments may include:

- 873 1. Statewide assessments.
- 874 2. Other standardized assessments, including nationally  
875 recognized standardized assessments.
- 876 3. Industry certification assessments ~~examinations~~.
- 877 4. District-developed or district-selected end-of-course  
878 assessments.
- 879 5. Teacher-selected or principal-selected assessments.

880 (c) Each district school board must adopt policies for  
881 selection, development, administration, and scoring of local  
882 assessments and for collection of assessment results. Local  
883 assessments implemented under subparagraphs (b)4. and 5. may  
884 include a variety of assessment formats, including, but not

HB 7117

2014

885 limited to, project-based assessments, adjudicated performances,  
886 and practical application assignments. For all English Language  
887 Arts, mathematics, science, and social studies courses offered  
888 in the district that are used to meet graduation requirements  
889 under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are  
890 not otherwise assessed by statewide, standardized assessments,  
891 the district school board must select the assessments described  
892 in subparagraphs (b)1.-4.

893 (d)-(e) The Commissioner of Education shall identify  
894 methods to assist and support districts in the development and  
895 acquisition of assessments required under this subsection.  
896 Methods may include developing item banks, facilitating the  
897 sharing of developed tests among school districts, acquiring  
898 assessments from state and national curriculum-area  
899 organizations, and providing technical assistance in best  
900 professional practices of test development based upon state-  
901 adopted curriculum standards, administration, and security.

902 (e)-(d) Each school district shall establish schedules for  
903 the administration of any district-mandated assessment and  
904 approve the schedules as an agenda item at a district school  
905 board meeting. The school district shall publish the testing  
906 schedules on its website, clearly specifying the district-  
907 mandated assessments, and report the schedules to the Department  
908 of Education by October 1 of each year.

909 (9) CHILD WITH MEDICAL COMPLEXITY.-

910 (a) As used in this subsection, the term "child with

HB 7117

2014

911 medical complexity" means a child who is medically fragile and  
912 needs intensive care due to a condition such as a congenital or  
913 acquired multisystem disease or who has a severe neurologic  
914 condition with marked functional impairment.

915 (b) Effective July 1, 2014, a student may not participate  
916 in statewide, standardized assessments, including taking the  
917 Florida Alternate Assessment, if the student's IEP team, with  
918 parental consent, determines that it is inappropriate for the  
919 student to participate. The IEP team's determination must be  
920 based upon compelling medical documentation from a physician  
921 licensed under chapter 458 stating that the student is a child  
922 with medical complexity and lacks the capacity to take or  
923 perform on an assessment. The district school superintendent  
924 must review and approve the IEP team's recommendation.

925 (c) The district school superintendent shall report  
926 annually to the district school board and the Department of  
927 Education the number of students who are identified as a child  
928 with medical complexity who are not participating in the  
929 assessment program.

930 Section 11. Subsections (1), (7), and (8) of section  
931 1012.34, Florida Statutes, are amended, and subsections (9) and  
932 (10) are added to that section, to read:

933 1012.34 Personnel evaluation procedures and criteria.—

934 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

935 (a) For the purpose of increasing student academic  
936 performance ~~learning growth~~ by improving the quality of

HB 7117

2014

937 instructional, administrative, and supervisory services in the  
938 public schools of the state, the district school superintendent  
939 shall establish procedures for evaluating the performance of  
940 duties and responsibilities of all instructional,  
941 administrative, and supervisory personnel employed by the school  
942 district. The district school superintendent shall provide  
943 instructional personnel the opportunity to review their class  
944 rosters for accuracy and to correct any mistakes. The district  
945 school superintendent shall ~~annually~~ report accurate class  
946 rosters for the purpose of calculating district and statewide  
947 student performance and annually report the evaluation results  
948 of instructional personnel and school administrators to the  
949 Department of Education in addition to the information required  
950 under subsection (5).

951 (b) The department must approve each school district's  
952 instructional personnel and school administrator evaluation  
953 systems. The department shall monitor each district's  
954 implementation of its instructional personnel and school  
955 administrator evaluation systems for compliance with the  
956 requirements of this section.

957 (c) Annually, by December 1, ~~2012,~~ the Commissioner of  
958 Education shall report to the Governor, the President of the  
959 Senate, and the Speaker of the House of Representatives the  
960 approval and implementation status of each school district's  
961 instructional personnel and school administrator evaluation  
962 systems. The report shall include performance evaluation results

HB 7117

2014

963 for the prior school year for instructional personnel and school  
964 administrators using the four levels of performance specified in  
965 paragraph (2)(e). The performance evaluation results for  
966 instructional personnel shall be disaggregated by classroom  
967 teachers, as defined in s. 1012.01(2)(a), excluding substitute  
968 teachers, and all other instructional personnel, as defined in  
969 s. 1012.01(2)(b)-(d). The commissioner shall include in the  
970 report each district's performance-level standards established  
971 under subsection (7), a comparative analysis of the district's  
972 student academic performance results and evaluation results,  
973 data reported under s. 1012.341, ~~continue to report, by December~~  
974 ~~1 each year thereafter, each school district's performance~~  
975 ~~evaluation results~~ and the status of any evaluation system  
976 revisions requested by a school district pursuant to subsection  
977 (6).

978 (7) MEASUREMENT OF STUDENT LEARNING GROWTH.—

979 (a) ~~By June 1, 2011,~~ The Commissioner of Education shall  
980 approve a formula to measure individual student learning growth  
981 on the statewide, standardized assessments in English Language  
982 Arts and mathematics ~~on the Florida Comprehensive Assessment~~  
983 Test (FCAT) administered under s. 1008.22 ~~1008.22(3)(c)1.~~ The  
984 formula must take into consideration each student's prior  
985 academic performance. The formula must not set different  
986 expectations for student learning growth based upon a student's  
987 gender, race, ethnicity, or socioeconomic status. In the  
988 development of the formula, the commissioner shall consider

989 other factors such as a student's attendance record, disability  
 990 status, or status as an English language learner. The  
 991 commissioner shall select additional formulas as appropriate for  
 992 the remainder of the statewide assessments included under s.  
 993 1008.22 and continue to select formulas as new assessments are  
 994 implemented in the state system. After the commissioner approves  
 995 the formula to measure individual student learning growth ~~on the~~  
 996 ~~FCAT and as additional formulas are selected by the commissioner~~  
 997 ~~for new assessments implemented in the state system,~~ the State  
 998 Board of Education shall adopt these formulas in ~~by~~ rule.

999 (b) ~~Beginning in the 2011-2012 school year,~~ Each school  
 1000 district shall measure student learning growth using the  
 1001 formulas ~~formula~~ approved by the commissioner under paragraph  
 1002 (a) for courses associated with the statewide, standardized  
 1003 assessments administered ~~FCAT.~~ ~~Each school district shall~~  
 1004 ~~implement the additional student learning growth measures~~  
 1005 ~~selected by the commissioner under paragraph (a) for the~~  
 1006 ~~remainder of the statewide assessments included under s. 1008.22~~  
 1007 no later than the school year immediately following the year the  
 1008 formula is approved by the commissioner as they become  
 1009 ~~available.~~ ~~Beginning in the 2014-2015 school year,~~ For grades  
 1010 and subjects not assessed by statewide, standardized assessments  
 1011 but otherwise assessed as required under s. 1008.22(6)  
 1012 ~~1008.22(8),~~ each school district shall measure performance of  
 1013 students ~~student learning growth~~ using a methodology determined  
 1014 by the district ~~an equally appropriate formula.~~ The department

HB 7117

2014

1015 shall provide models for measuring performance of students  
1016 ~~student learning growth~~ which school districts may adopt.

1017 (c) For a course that is not measured by a statewide,  
1018 standardized assessment, a school district may request, through  
1019 the evaluation system approval process, to use a student's  
1020 ~~student~~ achievement level ~~measure~~ rather than a student learning  
1021 growth ~~measure~~ if achievement is demonstrated to be a more  
1022 appropriate measure of classroom teacher performance. A school  
1023 district may also request to use a combination of student  
1024 learning growth and achievement, if appropriate.

1025 (d) ~~For~~ If the ~~student learning growth in a course that~~ is  
1026 not measured by a statewide, standardized assessment ~~but is~~  
1027 ~~measured by a school district assessment~~, a school district may  
1028 request, through the evaluation system approval process, that  
1029 the performance evaluation for the classroom teacher assigned to  
1030 that course include the learning growth of his or her students  
1031 on one or more statewide, standardized assessments ~~FCAT Reading~~  
1032 ~~or FCAT Mathematics~~. The request must clearly explain the  
1033 rationale supporting the request. ~~However, the classroom~~  
1034 ~~teacher's performance evaluation must give greater weight to~~  
1035 ~~student learning growth on the district assessment.~~

1036 (e) For purposes of this section and only for the 2014-  
1037 2015 school year, a school district may use measurable learning  
1038 targets on local assessments administered under s. 1008.22(6) to  
1039 evaluate the performance of students portion of a classroom  
1040 teacher's evaluation for courses that are not assessed by



HB 7117

2014

1041 statewide, standardized assessments. ~~classroom teachers of~~  
1042 ~~courses for which the district has not implemented appropriate~~  
1043 ~~assessments under s. 1008.22(8) or for which the school district~~  
1044 ~~has not adopted an equally appropriate measure of student~~  
1045 ~~learning growth under paragraphs (b)–(d), student learning~~  
1046 ~~growth must be measured by the growth in learning of the~~  
1047 ~~classroom teacher's students on statewide assessments, or, for~~  
1048 ~~courses in which enrolled students do not take the statewide~~  
1049 ~~assessments, measurable Learning targets must be established~~  
1050 ~~based upon the goals of the school improvement plan and approved~~  
1051 by the school principal. A district school superintendent may  
1052 assign to instructional personnel in an instructional team the  
1053 student learning growth of the instructional team's students on  
1054 statewide assessments. This paragraph expires July 1, 2015.

1055 (8) RULEMAKING.—The State Board of Education shall adopt  
1056 rules pursuant to ss. 120.536(1) and 120.54 which establish  
1057 uniform procedures for the submission, review, and approval of  
1058 district evaluation systems and reporting requirements for the  
1059 annual evaluation of instructional personnel and school  
1060 administrators; specific, discrete standards for each  
1061 performance level required under subsection (2) to ensure clear  
1062 and sufficient differentiation in the performance levels and to  
1063 provide consistency in meaning across school districts; the  
1064 measurement of student learning growth and associated  
1065 implementation procedures required under subsection (7); a  
1066 ~~process to permit instructional personnel to review the class~~

HB 7117

2014

1067 ~~roster for accuracy and to correct any mistakes relating to the~~  
1068 ~~identity of students for whom the individual is responsible;~~ and  
1069 a process for monitoring school district implementation of  
1070 evaluation systems in accordance with this section.

1071 Specifically, the rules shall establish a student performance  
1072 levels ~~learning growth standard~~ that if not met will result in  
1073 the employee receiving an unsatisfactory performance evaluation  
1074 rating. In like manner, the rules shall establish a student  
1075 performance level ~~learning growth standard~~ that must be met in  
1076 order for an employee to receive a highly effective rating and a  
1077 student learning growth standard that must be met in order for  
1078 an employee to receive an effective rating.

1079 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED  
1080 ASSESSMENTS.—Standards for each performance level required under  
1081 subsection (2) shall be established by the State Board of  
1082 Education beginning with the 2015-2016 school year.

1083 (10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON  
1084 EVALUATION PROGRESS.—School districts are eligible for bonus  
1085 rewards as provided for in the 2014 General Appropriations Act  
1086 for making outstanding progress toward educator effectiveness,  
1087 including implementation of instructional personnel salaries  
1088 based on performance results under s. 1012.34 and the use of  
1089 local assessment results in personnel evaluations when  
1090 statewide, standardized assessments are not administered.

1091 Section 12. Section 1012.341, Florida Statutes, is amended  
1092 to read:

1093 1012.341 Exemption from performance evaluation system and  
 1094 compensation and salary schedule requirements.-

1095 (1) Hillsborough County ~~Notwithstanding any other~~  
 1096 ~~provision of this act,~~ a School District ~~that~~ received an  
 1097 exemption under Florida's Race to the Top Memorandum of  
 1098 Understanding for Phase 2, as provided in s. (D) (2) (ii) of the  
 1099 memorandum. Accordingly, notwithstanding any other provision of  
 1100 law, Hillsborough County School District, is allowed to base 40  
 1101 percent, instead of 50 percent, of instructional personnel and  
 1102 school administrator performance evaluations upon student  
 1103 performance learning growth under s. 1012.34, ~~as amended by this~~  
 1104 ~~act.~~ The school district is also exempt from the amendments to  
 1105 s. 1012.22(1) (c) made by chapter 2011-1, Laws of Florida ~~this~~  
 1106 ~~act.~~ The exemptions described in this subsection are effective  
 1107 beginning with ~~for~~ the 2011-2012 school year and until the  
 1108 expiration of this section ~~are effective for each school year~~  
 1109 ~~thereafter if the school district receives annual approval by~~  
 1110 ~~the State Board of Education.~~

1111 (2) By October 1, 2014, and by October 1 annually  
 1112 thereafter, the superintendent of Hillsborough County School  
 1113 District shall attest, in writing, to the Commissioner of  
 1114 Education that ~~The State Board of Education shall base its~~  
 1115 ~~approval upon demonstration by the school district of the~~  
 1116 ~~following:~~

1117 (a) The instructional personnel and school administrator  
 1118 evaluation systems base at least 40 percent of an employee's

1119 performance evaluation upon student performance and that student  
 1120 performance is the single greatest component of an employee's  
 1121 evaluation.

1122 (b) The instructional personnel and school administrator  
 1123 evaluation systems adopt the Commissioner of Education's student  
 1124 learning growth formula for statewide assessments as provided  
 1125 under s. 1012.34(7).

1126 (c) The school district's instructional personnel and  
 1127 school administrator compensation system awards salary increases  
 1128 based upon sustained student performance.

1129 (d) The school district's contract system awards  
 1130 instructional personnel and school administrators based upon  
 1131 student performance and removes ineffective employees.

1132 ~~(e) Beginning with the 2014-2015 school year and each~~  
 1133 ~~school year thereafter, student learning growth based upon~~  
 1134 ~~performance on statewide assessments under s. 1008.22 must have~~  
 1135 ~~significantly improved compared to student learning growth in~~  
 1136 ~~the district in 2011-2012 and significantly improved compared to~~  
 1137 ~~other school districts.~~

1138 (3) Failure to comply with subsection (2) is grounds for  
 1139 the State Board of Education, at a public hearing, to revoke the  
 1140 exemption ~~The State Board of Education shall annually renew a~~  
 1141 ~~school district's exemptions if the school district demonstrates~~  
 1142 ~~that it meets the requirements of subsection (2). If the~~  
 1143 ~~exemptions are not renewed, the school district must comply with~~  
 1144 ~~the requirements and laws described in subsection (1) by the~~

HB 7117

2014

1145 ~~beginning of the next school year immediately following the loss~~  
1146 ~~of the exemptions.~~

1147 ~~(4) The State Board of Education shall adopt rules~~  
1148 ~~pursuant to ss. 120.536(1) and 120.54 to establish the~~  
1149 ~~procedures for applying for the exemptions and the criteria for~~  
1150 ~~renewing the exemptions.~~

1151

1152 This section is ~~shall be~~ repealed August 1, 2017, unless  
1153 reviewed and reenacted by the Legislature.

1154 Section 13. This act shall take effect July 1, 2014.