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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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Appropriations Subcommittee on Education (Legg, Montford, and Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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:



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

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

21 Section 2. Paragraphs (a), (d), and (h) of subsection (3)
22 and subsection (6) of section 1008.22, Florida Statutes, are
23 amended to read:

24 1008.22 Student assessment program for public schools.—

25 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
26 Commissioner of Education shall design and implement a
27 statewide, standardized assessment program aligned to the core
28 curricular content established in the Next Generation Sunshine
29 State Standards. The commissioner also must develop or select
30 and implement a common battery of assessment tools that will be
31 used in all juvenile justice education programs in the state.
32 These tools must accurately measure the core curricular content
33 established in the Next Generation Sunshine State Standards.
34 Participation in the assessment program is mandatory for all
35 school districts and all students attending public schools,
36 including adult students seeking a standard high school diploma
37 under s. 1003.4282 and students in Department of Juvenile
38 Justice education programs, except as otherwise provided by law.
39 If a student does not participate in the assessment program, the



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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 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).

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and



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publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing. However, the following assessments must be delivered in a computer-based format, as follows: the grade 3 ELA assessment beginning in the 2017-2018 school year; the grade 3 mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment beginning in the 2016-2017 school year. Paper-based administrations of assessments must, at a minimum, include paper-based accommodations available for eligible students whose IEPs or Section 504 plans indicate a need for a paper-based format.

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

(h) *Contracts for assessments.*—

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



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districts. The commissioner may enter into contracts for the continued administration of the assessments authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next fiscal year and may be paid from the appropriations of either or both fiscal years. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law.

2. A student's performance results on statewide, standardized comprehensive assessments, EOC assessments, and Florida Alternate Assessments administered pursuant to this subsection must be provided to the student's teachers and parents within 30 days after administering such assessments. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.

3. If liquidated damages are applicable, the department shall collect and distribute liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, to school districts as determined by the Legislature.

(6) LOCAL ASSESSMENTS.—

(a) Measurement of student performance ~~in all subjects and grade levels~~, except in 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 an additional, cumulative final local assessment for a course measured under a



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statewide, standardized end-of-course assessment. 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 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~~



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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
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



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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 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 such assessment by grade level. The district shall 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. Subsection (3) of section 1008.24, Florida Statutes, is amended to read:

1008.24 Test administration and security; public records exemption.—

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

(b) A school district may use district employees, such as education paraprofessionals as described in s. 1012.37, to



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administer and proctor statewide, standardized assessments required under s. 1008.22 or assessments associated with Florida approved courses under s. 1003.499, in accordance with this section and related rules adopted by the State Board of Education. The rules must establish training requirements that must be successfully completed by district employees prior to the employees performing duties pursuant this paragraph.

Section 4. 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 grade 3.



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(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;

~~2. A schoolwide system of progress monitoring for all~~



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~~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~~
~~through teacher observations~~, must be given intensive reading



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



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

1008.30 Common placement testing for public postsecondary education.—

(1) The State Board of Education, in conjunction with the



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Board of Governors, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Alternative assessments, such as the SAT, the ACT, and other assessments identified by rule, ~~that~~ may be accepted in lieu of the common placement test ~~shall also be identified in rule~~. Public postsecondary educational institutions shall provide appropriate modifications of the test instruments or test procedures for students with disabilities.

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



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courses may not be substituted for the selected postsecondary mathematics, reading, writing, or English Language Arts preparatory course unless the elective course covers the same competencies included in the postsecondary mathematics, reading, writing, or English Language Arts preparatory course.

Section 6. 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 2014-2015 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. The benefits of s. 1008.33(4)(c), relating to a school being released from implementation of the turnaround option, and s. 1008.33(4)(d), relating to a school implementing strategies identified in its school improvement plan, apply to a school using turnaround options pursuant to s. 1008.33 which improves at least one letter grade during the 2014-2015 school year.



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(b)1. A school or approved provider under s. 1002.45 which
~~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.

Section 7. Paragraphs (b) and (c) of subsection (1),
paragraphs (a), (b), and (c) of subsection (3), and subsections
(6), (7), (8), and (10) of section 1012.34, Florida Statutes,
are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(b) The department must approve each school district's
instructional personnel and school administrator evaluation
systems. The department shall monitor each district's
implementation of its instructional personnel and school



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administrator evaluation systems for compliance with the requirements of this section and ~~s. 1012.3401~~.

(c) Annually, by December 1, the Commissioner of Education shall report to the Governor, the President of the Senate, and the 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 shall include:

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

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

~~3. The commissioner shall include in the report Each district's performance-level standards established under subsection (7), a comparative analysis of the district's student academic performance results and evaluation results,~~

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

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their



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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 performance in accordance with subsection (7) ~~learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments 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~~



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~~provided in subsection (7).~~

~~a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth~~ This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school ~~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. The proportion of growth or achievement data may be determined by instructional assignment and the percentage of the evaluation based upon student learning growth may be reduced to not less than 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~~



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~~evaluation based upon student learning growth may be reduced to not less than 40 percent.~~

2. Instructional practice.—For instructional personnel, at least 33 percent of the performance evaluation must be based upon instructional practice. 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. Observations must be used by administrative personnel to evaluate the performance of classroom teachers. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

3. Instructional leadership.—For school administrators, at least 30 percent of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership 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



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input into the administrator's performance evaluation.

4. Other indicators of performance ~~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 recommended ~~adopted~~ by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice. ~~The district school board may identify additional professional and job responsibilities.~~

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

(c) The individual responsible for supervising the employee must evaluate the employee's performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under subsection (2) ~~paragraph (2)(f)~~. The evaluator must submit a written report of the evaluation to the district school superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than 10 days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his or her



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personnel file.

(6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT EVALUATION SYSTEMS.—The district school board shall establish a procedure for annually reviewing instructional personnel and school administrator evaluation systems to determine compliance with this section ~~and s. 1012.3401~~. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to evaluate instructional personnel or school administrators. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an evaluation system.

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

(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 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 may ~~shall~~ select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized 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



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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) and the standards for performance levels adopted by the state board under subsection (8) ~~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 s. 1008.22(6)(c) ~~as required under s. 1008.22(6),~~ each school district shall measure student performance of students using a methodology determined by the district. However, a school district may not administer an additional, final cumulative local assessment for a course measured under a statewide, standardized end-of-course assessment. As provided in state board rule, course content is set forth in the state standards required under s. 1003.41 and in the course description for the course as provided in the course code directory.

(d) School districts shall, for all educator performance evaluations and related student performance results:

1. Determine the data sources, methodologies and proportions of student performance data used in each educator's evaluation based on the educator's school, classroom, or other instructional assignments; except that each school district must include data and student learning growth using the formulas



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approved by the commissioner pursuant to paragraph (a) and the standards for performance levels adopted by the state board pursuant to subsection (8).

2. Provide that, for instructional personnel or school administrator to be eligible for salary adjustment under the performance salary schedule pursuant to s. 1012.22(1)(c)5.c., the student performance component of the educator's performance evaluation be based on a statewide, standardized assessment pursuant to s. 1008.22; a district-approved assessment; or a combination of both, as applicable to the educator's assignments.

3. Adopt, report, and provide to the public the district's administration schedules for statewide assessments and local assessments in compliance with timelines and requirements established in s. 1008.22.

4. Provide parents and teachers with student performance results on district-required assessments and the statewide, standardized assessments within the timeframe requirements established in s. 1008.22. ~~The department shall provide models for measuring performance of students which school districts may adopt.~~

~~(c) For a course that is not measured by a statewide, 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.~~



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~~(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.~~

~~(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 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 paragraph expires July 1, 2015.~~

(8) RULEMAKING.—No later than August 1, 2015, the State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 which establish uniform procedures and the format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators; specific, discrete standards for each performance level required under subsection (2), based on student learning growth models approved by the commissioner, to ensure clear and sufficient differentiation in the performance levels and to provide consistency in meaning across school districts; the measurement



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of student learning growth and associated implementation procedures required under subsection (7); and a process for monitoring school district implementation of evaluation systems in accordance with this section. ~~Specifically, the rules shall establish student performance levels that if not met will result in the employee receiving an unsatisfactory performance evaluation rating. In like manner, the rules shall establish a student performance level that must be met in order for an employee to receive a highly effective rating and a student learning growth standard that must be met in order for an employee to receive an effective rating.~~

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

Section 8. Section 1012.3401, Florida Statutes, is repealed.

Section 9. 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 specified 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



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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. 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 constitute a reasonable justification for requesting the waiver under this section.

(c) The school district's corrective action plan, which has been adopted by the district school board, and certification that the identified technical 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



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facilitate the district's successful resolution of technical 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 may 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 a request may, after consultation with the school district superintendent, include conditional requirements that must apply if approved by the state board. The decision of the state board, including any modifications adopted by the state board, is final.

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



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(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 10. 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 leasing of examination questions by the Department of Education from the American Institute for Research as compared with using questions from an existing examination. No 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



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Representatives.

Section 11. Paragraph (a) of subsection (5) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

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

Section 12. Paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

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

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

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

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



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

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

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

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

Section 13. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

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



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

(c) *Compensation and salary schedules.*—

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

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

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

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

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

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

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

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's 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)(c)~~ 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 14. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to education accountability; amending



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1026 s. 1001.03, F.S.; revising the powers of the State
1027 Board of Education to require adoption of rules
1028 regarding notification forms for grade 3 retention and
1029 midyear promotion, and high school graduation
1030 requirements and options; amending s. 1008.22, F.S.;
1031 removing the requirement that English Language Arts
1032 statewide assessments be administered to students in
1033 grade 11; requiring that assessments be delivered
1034 through computer-based testing; providing exceptions;
1035 specifying minimum requirements for paper-based
1036 administration of assessments; requiring that
1037 performance results on specified assessments be
1038 provided to teachers and parents within a specified
1039 timeframe; providing applicability; requiring the
1040 Department of Education to collect and distribute
1041 liquidated damages relating to the administration of
1042 specified assessments to school districts under
1043 certain circumstances; prohibiting a school district
1044 from administering a local assessment on a subject
1045 measured under a statewide assessment; requiring a
1046 school district to provide a student's performance
1047 results on local assessments within a specified
1048 timeframe; revising requirements for the
1049 administration of local assessments; restricting the
1050 number of school hours that a school district may
1051 dedicate to administer specified assessments;
1052 providing exceptions; requiring a school district to
1053 secure consent of a student's parent if school hours
1054 dedicated to the administration of local assessments



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1055 exceed the threshold amount; authorizing a student to
1056 take an examination or assessment adopted pursuant to
1057 State Board of Education rule; revising requirements
1058 regarding the school district's adoption and
1059 publication of testing schedules; amending s. 1008.24,
1060 F.S.; authorizing a school district to use district
1061 employees to administer and proctor specified
1062 assessments; providing minimum requirements for State
1063 Board of Education rules regarding the training of
1064 such employees; amending s. 1008.25, F.S.; revising
1065 requirements for a district school board's
1066 comprehensive student progression plan; removing
1067 references regarding local assessments; revising
1068 requirements regarding instruction and reassessment of
1069 students who exhibit a reading deficiency; amending s.
1070 1008.30, F.S.; specifying alternative assessments that
1071 may be accepted by public postsecondary educational
1072 institutions in lieu of the common placement test;
1073 revising requirements for state board rules regarding
1074 common placement testing; authorizing, rather than
1075 requiring, high schools to perform specified college
1076 readiness evaluations; amending s. 1008.34, F.S.;
1077 adding references to school improvement ratings;
1078 specifying applicability of certain accountability
1079 measures to schools using turnaround options; amending
1080 s. 1012.34, F.S.; revising requirements for the
1081 Commissioner of Education's annual report to the
1082 Governor and the Legislature regarding personnel
1083 evaluation systems; revising the percentage thresholds



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1084 for performance evaluation criteria for instructional
1085 personnel and school administrators; revising
1086 requirements for the measurement of student
1087 performance; prescribing requirements for school
1088 districts regarding educator performance evaluations
1089 and related student performance results; requiring the
1090 state board to adopt rules by a certain date; revising
1091 rule requirements; removing a provision regarding
1092 district bonus awards; conforming cross-references;
1093 repealing s. 1012.3401, F.S., relating to the
1094 measurement of student performance in personnel
1095 evaluations; authorizing a school district to request
1096 approval from the state board to use student
1097 performance results on new statewide assessments for
1098 diagnostic and baseline purposes; requiring a district
1099 school superintendent to submit the waiver request to
1100 the Commissioner of Education; specifying required
1101 content of a waiver request; requiring the
1102 commissioner to review and make recommendations to the
1103 state board regarding each waiver request; specifying
1104 conditions and requirements for a school that is
1105 granted a waiver for the 2014-2015 school year;
1106 providing for expiration; requiring the Office of
1107 Program Policy Analysis and Government Accountability
1108 (OPPAGA) to complete a study regarding the leasing of
1109 examination questions; requiring OPPAGA to submit a
1110 report summarizing the study findings to the
1111 Legislature by a specified date; amending ss.
1112 1003.4282, 1003.4285, and 1012.22, F.S.; conforming



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1113 provisions to changes made by the act; providing an
1114 effective date.