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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to education accountability; amending s. 1001.03, F.S.; revising the powers of the State Board of Education to require adoption of rules regarding notification forms for grade 3 retention and midyear promotion, and high school graduation requirements and options; amending s. 1008.22, F.S.; removing the requirement that English Language Arts statewide assessments be administered to students in grade 11; requiring that assessments be delivered through computer-based testing; providing exceptions; specifying minimum requirements for paper-based administration of assessments; requiring that performance results on specified assessments be provided to teachers and parents within a specified timeframe; providing applicability; requiring the Department of Education to collect and distribute liquidated damages relating to the administration of specified assessments to school districts under certain circumstances; prohibiting a school district from administering a local assessment on a subject measured under a statewide assessment; requiring a school district to provide a student's performance results on local assessments within a specified timeframe; revising requirements for the administration of local assessments; restricting the number of school hours that a school district may



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28 dedicate to administer specified assessments;  
29 providing exceptions; requiring a school district to  
30 secure consent of a student's parent if school hours  
31 dedicated to the administration of local assessments  
32 exceed the threshold amount; authorizing a student to  
33 take an examination or assessment adopted pursuant to  
34 State Board of Education rule; revising requirements  
35 regarding the school district's adoption and  
36 publication of testing schedules; amending s. 1008.24,  
37 F.S.; authorizing a school district to use district  
38 employees to administer and proctor specified  
39 assessments; providing minimum requirements for State  
40 Board of Education rules regarding the training of  
41 such employees; amending s. 1008.25, F.S.; revising  
42 requirements for a district school board's  
43 comprehensive student progression plan; removing  
44 references regarding local assessments; revising  
45 requirements regarding instruction and reassessment of  
46 students who exhibit a reading deficiency; amending s.  
47 1008.30, F.S.; specifying alternative assessments that  
48 may be accepted by public postsecondary educational  
49 institutions in lieu of the common placement test;  
50 revising requirements for state board rules regarding  
51 common placement testing; authorizing, rather than  
52 requiring, high schools to perform specified college  
53 readiness evaluations; amending s. 1008.34, F.S.;  
54 adding references to school improvement ratings;  
55 specifying applicability of certain accountability  
56 measures to schools using turnaround options; amending



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57 s. 1011.62, F.S.; requiring the Department of  
58 Education to contract with an independent, auditing  
59 entity if the administration of online assessments  
60 after a certain date does not comply with the minimum  
61 assessment protocols and requirements established by  
62 the department; requiring the auditing entity to  
63 perform certain duties; amending s. 1012.34, F.S.;  
64 revising requirements for the Commissioner of  
65 Education's annual report to the Governor and the  
66 Legislature regarding personnel evaluation systems;  
67 revising the percentage thresholds for performance  
68 evaluation criteria for instructional personnel and  
69 school administrators; revising requirements for the  
70 measurement of student performance; prescribing  
71 requirements for school districts regarding educator  
72 performance evaluations and related student  
73 performance results; requiring the state board to  
74 adopt rules by a certain date; revising rule  
75 requirements; removing a provision regarding district  
76 bonus awards; conforming cross-references; repealing  
77 s. 1012.3401, F.S., relating to the measurement of  
78 student performance in personnel evaluations;  
79 authorizing a school district to request approval from  
80 the state board to use student performance results on  
81 new statewide assessments for diagnostic and baseline  
82 purposes; requiring a district school superintendent  
83 to submit the waiver request to the Commissioner of  
84 Education; specifying required content of a waiver  
85 request; requiring the commissioner to review and make



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86 recommendations to the state board regarding each  
87 waiver request; specifying conditions and requirements  
88 for a school that is granted a waiver for the 2014-  
89 2015 school year; providing for expiration; requiring  
90 the Office of Program Policy Analysis and Government  
91 Accountability (OPPAGA) to complete a study regarding  
92 the leasing of examination questions; requiring OPPAGA  
93 to submit a report summarizing the study findings to  
94 the Legislature by a specified date; amending ss.  
95 1003.4282, 1003.4285, and 1012.22, F.S.; conforming  
96 provisions to changes made by the act; providing an  
97 effective date.

98

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

100

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

103 1001.03 Specific powers of State Board of Education.—

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

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

113 (b) A requirement that school districts attach the  
114 notification form when providing student performance results to



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115 parents on statewide, standardized assessments administered  
116 pursuant to ss. 1002.69, 1003.56, and 1008.22.

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

120 1008.22 Student assessment program for public schools.—

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

140 (a) *Statewide, standardized comprehensive assessments.*—The  
141 statewide, standardized Reading assessment shall be administered  
142 annually in grades 3 through 10. The statewide, standardized  
143 Writing assessment shall be administered annually at least once



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144 at the elementary, middle, and high school levels. When the  
145 Reading and Writing assessments are replaced by English Language  
146 Arts (ELA) assessments, ELA assessments shall be administered to  
147 students in grades 3 through 10 ~~11~~. Retake opportunities for the  
148 grade 10 Reading assessment or, upon implementation, the grade  
149 10 ELA assessment must be provided. Students taking the ELA  
150 assessments shall not take the statewide, standardized  
151 assessments in Reading or Writing. ELA assessments shall be  
152 administered online. The statewide, standardized Mathematics  
153 assessments shall be administered annually in grades 3 through  
154 8. Students taking a revised Mathematics assessment shall not  
155 take the discontinued assessment. The statewide, standardized  
156 Science assessment shall be administered annually at least once  
157 at the elementary and middle grades levels. In order to earn a  
158 standard high school diploma, a student who has not earned a  
159 passing score on the grade 10 Reading assessment or, upon  
160 implementation, the grade 10 ELA assessment must earn a passing  
161 score on the assessment retake or earn a concordant score as  
162 authorized under subsection (7).

163 (d) *Implementation schedule.*—

164 1. The Commissioner of Education shall establish and  
165 publish on the department's website an implementation schedule  
166 to transition from the statewide, standardized Reading and  
167 Writing assessments to the ELA assessments and to the revised  
168 Mathematics assessments, including the Algebra I and Geometry  
169 EOC assessments. The schedule must take into consideration  
170 funding, sufficient field and baseline data, access to  
171 assessments, instructional alignment, and school district  
172 readiness to administer the assessments online. All such



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173 assessments must be delivered through computer-based testing.  
174 However, the following assessments must be delivered in a  
175 computer-based format, as follows: the grade 3 ELA assessment  
176 beginning in the 2017-2018 school year; the grade 3 mathematics  
177 assessment beginning in the 2016-2017 school year; the grade 4  
178 ELA assessment beginning in the 2015-2016 school year; and the  
179 grade 4 Mathematics assessment beginning in the 2016-2017 school  
180 year. Paper-based administrations of assessments must, at a  
181 minimum, include paper-based accommodations available for  
182 eligible students whose IEPs or Section 504 plans indicate a  
183 need for a paper-based format.

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

189         (h) *Contracts for assessments.*—

190         1. The commissioner shall provide for the assessments to be  
191 developed or obtained, as appropriate, through contracts and  
192 project agreements with private vendors, public vendors, public  
193 agencies, postsecondary educational institutions, or school  
194 districts. The commissioner may enter into contracts for the  
195 continued administration of the assessments authorized and  
196 funded by the Legislature. Contracts may be initiated in 1  
197 fiscal year and continue into the next fiscal year and may be  
198 paid from the appropriations of either or both fiscal years. The  
199 commissioner may negotiate for the sale or lease of tests,  
200 scoring protocols, test scoring services, and related materials  
201 developed pursuant to law.



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

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

216       (6) LOCAL ASSESSMENTS.—

217       (a) Measurement of student performance ~~in all subjects and~~  
218 ~~grade levels, except in~~ those subjects and grade levels measured  
219 under the statewide, standardized assessment program described  
220 in this section, is the responsibility of the school districts.  
221 However, a school district may not administer an additional,  
222 cumulative final local assessment for a course measured under a  
223 statewide, standardized end-of-course assessment. A school  
224 district must provide a student's performance results on  
225 district-required local assessments to the student's teachers  
226 and parents within 30 days after administering such assessments.

227       (b) ~~Except for those subjects and grade levels measured~~  
228 ~~under the statewide, standardized assessment program, beginning~~  
229 ~~with the 2014-2015 school year, each school district shall~~  
230 ~~administer for each course offered in the district a local~~





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231 ~~assessment that measures student mastery of course content at~~  
232 ~~the necessary level of rigor for the course. As adopted pursuant~~  
233 ~~to State Board of Education rule, course content is set forth in~~  
234 ~~the state standards required by s. 1003.41 and in the course~~  
235 ~~description. Local assessments may include:~~

236 ~~1. Statewide assessments.~~

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

239 ~~3. Industry certification assessments.~~

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

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

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

256 ~~(d) The Commissioner of Education shall identify methods to~~  
257 ~~assist and support districts in the development and acquisition~~  
258 ~~of local assessments required under this subsection. Methods may~~  
259 ~~include developing item banks, facilitating the sharing of~~



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260 developed tests among school districts, acquiring assessments  
261 from state and national curriculum-area organizations, and  
262 providing technical assistance in best professional practices of  
263 test development based upon state-adopted curriculum standards,  
264 administration, and security.

265 (c) ~~(e)~~ Each school district shall establish schedules for  
266 the administration of any district-required local ~~district-~~  
267 ~~mandated~~ assessment and approve the schedules as an agenda item  
268 at a district school board meeting. A school district may not  
269 schedule more than 5 percent of a student's total school hours  
270 in a school year to administer statewide, standardized  
271 assessments and district-required local assessments. The  
272 district must secure written consent from a student's parent  
273 before administering district-required local assessments that,  
274 after applicable statewide, standardized assessments are  
275 scheduled, exceed the 5 percent test administration limit for  
276 that student under this paragraph. The 5 percent test  
277 administration limit for a student under this paragraph may be  
278 exceeded as needed to provide test accommodations that are  
279 required by an IEP or are appropriate for an English language  
280 learner who is currently receiving services in a program  
281 operated in accordance with an approved English language learner  
282 district plan pursuant to s. 1003.56. Notwithstanding this  
283 paragraph, a student may choose within a school year to take an  
284 examination or assessment adopted by State Board of Education  
285 rule pursuant to this section and ss. 1007.27, 1008.30, and  
286 1008.44. The school district shall adopt its ~~publish the~~ testing  
287 schedule for statewide, standardized assessments and district  
288 required local assessments ~~schedules on its website,~~ clearly



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289 specifying the estimates of average time for administering such  
290 assessment by grade level. The district shall publish on its  
291 website ~~district-mandated assessments,~~ and report the schedules  
292 to the Department of Education, in a format prescribed by the  
293 department, by October 1 of each year.

294 Section 3. Subsection (3) of section 1008.24, Florida  
295 Statutes, is amended to read:

296 1008.24 Test administration and security; public records  
297 exemption.—

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

308 (b) A school district may use district employees, such as  
309 education paraprofessionals as described in s. 1012.37, to  
310 administer and proctor statewide, standardized assessments  
311 required under s. 1008.22 or assessments associated with Florida  
312 approved courses under s. 1003.499, in accordance with this  
313 section and related rules adopted by the State Board of  
314 Education. The rules must establish training requirements that  
315 must be successfully completed by district employees prior to  
316 the employees performing duties pursuant this paragraph.

317 Section 4. Paragraph (b) of subsection (2), subsections (3)



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318 and (4), paragraphs (a) and (c) of subsection (5), and paragraph  
319 (a) of subsection (8) of section 1008.25, Florida Statutes, are  
320 amended to read:

321 1008.25 Public school student progression; remedial  
322 instruction; reporting requirements.—

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

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

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

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

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

342 (4) ASSESSMENT AND REMEDIATION.—

343 (a) Each student must participate in the statewide,  
344 standardized assessment program required by s. 1008.22. Each  
345 student who ~~does not meet specific levels of performance on the~~  
346 ~~required assessments as determined by the district school board~~



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347 ~~or who~~ scores below Level 3 on the statewide, standardized  
348 Reading assessment or, upon implementation, the English Language  
349 Arts assessment or on the statewide, standardized Mathematics  
350 assessments in grades 3 through 8 and the Algebra I EOC  
351 assessment must be provided with additional diagnostic  
352 assessments to determine the nature of the student's difficulty,  
353 the areas of academic need, and strategies for appropriate  
354 intervention and instruction as described in paragraph (b).

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

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

367 ~~2. A schoolwide system of progress monitoring for all~~  
368 ~~students;~~ or

369 ~~2.3.~~ An individualized progress monitoring plan.

370  
371 The plan chosen must be designed to assist the student ~~or the~~  
372 ~~school~~ in meeting state ~~and district~~ expectations for  
373 proficiency. If the student has been identified as having a  
374 deficiency in reading, the K-12 comprehensive reading plan  
375 required by s. 1011.62(9) shall include instructional and



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376 support services to be provided to meet the desired levels of  
377 performance. District school boards may require low-performing  
378 students to attend remediation programs held before or after  
379 regular school hours or during the summer if transportation is  
380 provided.

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

390 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

391 (a) Any student who exhibits a substantial deficiency in  
392 reading, based upon ~~locally determined or~~ statewide assessments  
393 conducted in kindergarten or grade 1, grade 2, or grade 3, such  
394 as the statewide kindergarten screening administered under s.  
395 1002.69 and subsequent related reading readiness screening ~~or~~  
396 ~~through teacher observations~~, must be given intensive reading  
397 instruction immediately following the identification of the  
398 reading deficiency. The student's reading proficiency must be  
399 reassessed ~~by locally determined assessments or through teacher~~  
400 ~~observations at the beginning of the grade following the~~  
401 ~~intensive reading instruction~~. The student must continue to be  
402 provided with intensive reading instruction until the reading  
403 deficiency is remedied.

404 (c) The parent of any student who exhibits a substantial



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405 deficiency in reading, as described in paragraph (a), must be  
406 notified in writing of the following:

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

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

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

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

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

420 6. That the statewide, standardized assessment required  
421 under s. 1008.22 ~~Florida Comprehensive Assessment Test (FCAT)~~ is  
422 not the sole determiner of promotion and that additional  
423 evaluations, portfolio reviews, and assessments are available to  
424 the child to assist parents and the school district in knowing  
425 when a child is reading at or above grade level and ready for  
426 grade promotion.

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



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

438           (8) ANNUAL REPORT.—

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

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

452           1008.30 Common placement testing for public postsecondary  
453 education.—

454           (1) The State Board of Education, in conjunction with the  
455 Board of Governors, shall develop and implement a common  
456 placement test for the purpose of assessing the basic  
457 computation and communication skills of students who intend to  
458 enter a degree program at any public postsecondary educational  
459 institution. Alternative assessments, such as the SAT, the ACT,  
460 and other assessments identified by rule, ~~that~~ may be accepted  
461 in lieu of the common placement test ~~shall also be identified in~~  
462 rule. Public postsecondary educational institutions shall





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463 provide appropriate modifications of the test instruments or  
464 test procedures for students with disabilities.

465 (3) The State Board of Education shall adopt rules that  
466 authorize ~~require~~ high schools, at the request of a parent, to  
467 evaluate before the beginning of grade 12 the college readiness  
468 of a each student who scores Level 2 or Level 3 on grade 10 FCAT  
469 Reading or the English Language Arts assessment under s.  
470 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the  
471 Algebra I assessment under s. 1008.22. High schools may ~~shall~~  
472 perform this evaluation using results from the corresponding  
473 component of the common placement test prescribed in this  
474 section, or an alternative test identified by the State Board of  
475 Education, such as the SAT, the ACT, and other assessments  
476 identified by rule. The high school shall use the results of the  
477 test to advise the students of any identified deficiencies and  
478 to recommend ~~provide 12th grade students, and require them to~~  
479 ~~complete,~~ appropriate postsecondary preparatory instruction  
480 before high school graduation as an option to grade 12 students.  
481 The curriculum provided under this subsection shall be  
482 identified in rule by the State Board of Education and encompass  
483 Florida's Postsecondary Readiness Competencies. Other elective  
484 courses may not be substituted for the selected postsecondary  
485 mathematics, reading, writing, or English Language Arts  
486 preparatory course unless the elective course covers the same  
487 competencies included in the postsecondary mathematics, reading,  
488 writing, or English Language Arts preparatory course.

489 Section 6. Subsection (7) of section 1008.34, Florida  
490 Statutes, is amended to read:

491 1008.34 School grading system; school report cards;



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492 district grade.-

493 (7) TRANSITION.—School grades pursuant to this section and  
494 school improvement ratings pursuant to s. 1008.341 for the 2013-  
495 2014 school year shall be calculated based on statutes and rules  
496 in effect on June 30, 2014. To assist in the transition to 2014-  
497 2015 school grades and school improvement ratings, calculated  
498 based on new statewide, standardized assessments administered  
499 pursuant to s. 1008.22, the 2014-2015 school grades and school  
500 improvement ratings shall serve as an informational baseline for  
501 schools to work toward improved performance in future years.  
502 Accordingly, notwithstanding any other provision of law:

503 (a) A school may not be required to select and implement a  
504 turnaround option pursuant to s. 1008.33 in the 2015-2016 school  
505 year based on the school's 2014-2015 grade or school improvement  
506 rating under s. 1008.341, as applicable. The benefits of s.  
507 1008.33(4)(c), relating to a school being released from  
508 implementation of the turnaround option, and s. 1008.33(4)(d),  
509 relating to a school implementing strategies identified in its  
510 school improvement plan, apply to a school using turnaround  
511 options pursuant to s. 1008.33 which improves at least one  
512 letter grade during the 2014-2015 school year.

513 (b)1. A school or approved provider under s. 1002.45 which  
514 ~~that~~ receives the same or a lower school grade or school  
515 improvement rating for the 2014-2015 school year compared to the  
516 2013-2014 school year is not subject to sanctions or penalties  
517 that would otherwise occur as a result of the 2014-2015 school  
518 grade or rating. A charter school system or a school district  
519 designated as high performing may not lose the designation based  
520 on the 2014-2015 school grades of any of the schools within the



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521 charter school system or school district, as applicable.

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

525         (c) For purposes of determining grade 3 retention pursuant  
526 to s. 1008.25(5) and high school graduation pursuant to s.  
527 1003.4282, student performance on the 2014-2015 statewide,  
528 standardized assessments shall be linked to 2013-2014 student  
529 performance expectations.

530

531 This subsection is repealed July 1, 2017.

532         Section 7. Paragraph (b) of subsection (12) of section  
533 1011.62, Florida Statutes, is amended to read:

534         1011.62 Funds for operation of schools.—If the annual  
535 allocation from the Florida Education Finance Program to each  
536 district for operation of schools is not determined in the  
537 annual appropriations act or the substantive bill implementing  
538 the annual appropriations act, it shall be determined as  
539 follows:

540         (12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

541         (b) Each district school board shall adopt a district  
542 digital classrooms plan that meets the unique needs of students,  
543 schools, and personnel and submit the plan for approval to the  
544 Department of Education. In addition, each district school board  
545 must, at a minimum, seek input from the district's  
546 instructional, curriculum, and information technology staff to  
547 develop the district digital classrooms plan. The district's  
548 plan must be within the general parameters established in the  
549 Florida digital classrooms plan pursuant to s. 1001.20. In



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550 addition, if the district participates in federal technology  
551 initiatives and grant programs, the district digital classrooms  
552 plan must include a plan for meeting requirements of such  
553 initiatives and grant programs. Funds allocated under this  
554 subsection must be used to support implementation of district  
555 digital classrooms plans. By October 1, 2014, and by March 1 of  
556 each year thereafter, on a date determined by the department,  
557 each district school board shall submit to the department, in a  
558 format prescribed by the department, a digital classrooms plan.  
559 At a minimum, such plan must include, and be annually updated to  
560 reflect, the following:

561 1. Measurable student performance outcomes. Outcomes  
562 related to student performance, including outcomes for students  
563 with disabilities, must be tied to the efforts and strategies to  
564 improve outcomes related to student performance by integrating  
565 technology in classroom teaching and learning. Results of the  
566 outcomes shall be reported at least annually for the current  
567 school year and subsequent 3 years and be accompanied by an  
568 independent evaluation and validation of the reported results.

569 2. Digital learning and technology infrastructure purchases  
570 and operational activities. Such purchases and activities must  
571 be tied to the measurable outcomes under subparagraph 1.,  
572 including, but not limited to, connectivity, broadband access,  
573 wireless capacity, Internet speed, and data security, all of  
574 which must meet or exceed minimum requirements and protocols  
575 established by the department. For each year that the district  
576 uses funds for infrastructure, a third-party, independent  
577 evaluation of the district's technology inventory and  
578 infrastructure needs must accompany the district's plan.



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579           3. Professional development purchases and operational  
580 activities. Such purchases and activities must be tied to the  
581 measurable outcomes under subparagraph 1., including, but not  
582 limited to, using technology in the classroom and improving  
583 digital literacy and competency.

584           4. Digital tool purchases and operational activities. Such  
585 purchases and activities must be tied to the measurable outcomes  
586 under subparagraph 1., including, but not limited to,  
587 competency-based credentials that measure and demonstrate  
588 digital competency and certifications; third-party assessments  
589 that demonstrate acquired knowledge and use of digital  
590 applications; and devices that meet or exceed minimum  
591 requirements and protocols established by the department.

592           5. Online assessment-related purchases and operational  
593 activities. Such purchases and activities must be tied to the  
594 measurable outcomes under subparagraph 1., including, but not  
595 limited to, expanding the capacity to administer assessments and  
596 compatibility with minimum assessment protocols and requirements  
597 established by the department. If the administration of online  
598 assessments after January 1, 2015, does not comply with the  
599 minimum assessment protocols and requirements established by the  
600 department, the department shall contract with an independent,  
601 auditing entity that has expertise in the area of the  
602 noncompliance to evaluate the extent of the noncompliance and  
603 provide recommendations to remediate the noncompliance in future  
604 administrations of online assessments.

605           Section 8. Paragraphs (b) and (c) of subsection (1),  
606 paragraphs (a), (b), and (c) of subsection (3), and subsections  
607 (6), (7), (8), and (10) of section 1012.34, Florida Statutes,



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608 are amended to read:

609 1012.34 Personnel evaluation procedures and criteria.—

610 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

611 (b) The department must approve each school district's  
612 instructional personnel and school administrator evaluation  
613 systems. The department shall monitor each district's  
614 implementation of its instructional personnel and school  
615 administrator evaluation systems for compliance with the  
616 requirements of this section and ~~s. 1012.3401.~~

617 (c) Annually, by December 1, the Commissioner of Education  
618 shall report to the Governor, the President of the Senate, and  
619 the Speaker of the House of Representatives the approval and  
620 implementation status of each school district's instructional  
621 personnel and school administrator evaluation systems. The  
622 report shall include:

623 1. Performance evaluation results for the prior school year  
624 for instructional personnel and school administrators using the  
625 four levels of performance specified in paragraph (2) (e). The  
626 performance evaluation results for instructional personnel shall  
627 be disaggregated by classroom teachers, as defined in s.  
628 1012.01(2) (a), excluding substitute teachers, and all other  
629 instructional personnel, as defined in s. 1012.01(2) (b)-(d).

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

634 ~~3. The commissioner shall include in the report Each~~  
635 ~~district's performance-level standards established under~~  
636 ~~subsection (7)., a comparative analysis of the district's~~



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637 ~~student academic performance results and evaluation results,~~

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

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

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

662       1. Performance of students.—At least 33 ~~50~~ percent of a  
663 performance evaluation must be based upon data and indicators of  
664 student performance in accordance with subsection (7) learning  
665 ~~growth assessed annually by statewide assessments or, for~~



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666 ~~subjects and grade levels not measured by statewide assessments,~~  
667 ~~by school district assessments as provided in s. 1008.22(6).~~  
668 ~~Each school district must use the formula adopted pursuant to~~  
669 ~~paragraph (7)(a) for measuring student learning growth in all~~  
670 ~~courses associated with statewide assessments and must select an~~  
671 ~~equally appropriate formula for measuring student learning~~  
672 ~~growth for all other grades and subjects, except as otherwise~~  
673 ~~provided in subsection (7).~~

674 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~  
675 ~~excluding substitute teachers, the student learning growth This~~  
676 ~~portion of the evaluation must include growth or achievement~~  
677 ~~data of the teacher's students or, for a school administrator,~~  
678 ~~the students attending the school for students assigned to the~~  
679 ~~teacher over the course of at least 3 years. If less than 3~~  
680 ~~years of data are available, the years for which data are~~  
681 ~~available must be used. The proportion of growth or achievement~~  
682 ~~data may be determined by instructional assignment and the~~  
683 ~~percentage of the evaluation based upon student learning growth~~  
684 ~~may be reduced to not less than 40 percent.~~

685 ~~b. For instructional personnel who are not classroom~~  
686 ~~teachers, the student learning growth portion of the evaluation~~  
687 ~~must include growth data on statewide assessments for students~~  
688 ~~assigned to the instructional personnel over the course of at~~  
689 ~~least 3 years, or may include a combination of student learning~~  
690 ~~growth data and other measurable student outcomes that are~~  
691 ~~specific to the assigned position, provided that the student~~  
692 ~~learning growth data accounts for not less than 30 percent of~~  
693 ~~the evaluation. If less than 3 years of student growth data are~~  
694 ~~available, the years for which data are available must be used~~





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695 ~~and the percentage of the evaluation based upon student learning~~  
696 ~~growth may be reduced to not less than 20 percent.~~

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

704 2. Instructional practice.—For instructional personnel, at  
705 least 33 percent of the performance evaluation must be based  
706 upon instructional practice. Evaluation criteria used when  
707 annually observing classroom teachers, as defined in s.  
708 1012.01(2)(a), excluding substitute teachers, must include  
709 indicators based upon each of the Florida Educator Accomplished  
710 Practices adopted by the State Board of Education. Observations  
711 must be used by administrative personnel to evaluate the  
712 performance of classroom teachers. For instructional personnel  
713 who are not classroom teachers, evaluation criteria must be  
714 based upon indicators of the Florida Educator Accomplished  
715 Practices and may include specific job expectations related to  
716 student support.

717 3. Instructional leadership.—For school administrators, at  
718 least 30 percent of the performance evaluation must be based on  
719 instructional leadership. Evaluation criteria for instructional  
720 leadership must include indicators based upon each of the  
721 leadership standards adopted by the State Board of Education  
722 under s. 1012.986, including performance measures related to the  
723 effectiveness of classroom teachers in the school, the



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724 administrator's appropriate use of evaluation criteria and  
725 procedures, recruitment and retention of effective and highly  
726 effective classroom teachers, improvement in the percentage of  
727 instructional personnel evaluated at the highly effective or  
728 effective level, and other leadership practices that result in  
729 student learning growth. The system may include a means to give  
730 parents and instructional personnel an opportunity to provide  
731 input into the administrator's performance evaluation.

732 4. Other indicators of performance ~~Professional and job~~  
733 ~~responsibilities.~~ For instructional personnel and school  
734 administrators, no more than 33 percent of a performance  
735 evaluation must include other professional and job  
736 responsibilities ~~must be included~~ as recommended ~~adopted~~ by the  
737 State Board of Education or identified by the district school  
738 board and, for instructional personnel, peer reviews,  
739 objectively reliable survey information from students and  
740 parents based on teaching practices that are consistently  
741 associated with higher student achievement, and other valid and  
742 reliable measures of instructional practice. ~~The district school~~  
743 ~~board may identify additional professional and job~~  
744 ~~responsibilities.~~

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

748 (c) The individual responsible for supervising the employee  
749 must evaluate the employee's performance. The evaluation system  
750 may provide for the evaluator to consider input from other  
751 personnel trained under subsection (2) ~~paragraph (2)(f)~~. The  
752 evaluator must submit a written report of the evaluation to the



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753 district school superintendent for the purpose of reviewing the  
754 employee's contract. The evaluator must submit the written  
755 report to the employee no later than 10 days after the  
756 evaluation takes place. The evaluator must discuss the written  
757 evaluation report with the employee. The employee shall have the  
758 right to initiate a written response to the evaluation, and the  
759 response shall become a permanent attachment to his or her  
760 personnel file.

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

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

772 (a) The Commissioner of Education shall approve a formula  
773 to measure individual student learning growth on the statewide,  
774 standardized assessments in English Language Arts and  
775 mathematics administered under s. 1008.22. The formula must take  
776 into consideration each student's prior academic performance.  
777 The formula must not set different expectations for student  
778 learning growth based upon a student's gender, race, ethnicity,  
779 or socioeconomic status. In the development of the formula, the  
780 commissioner shall consider other factors such as a student's  
781 attendance record, disability status, or status as an English



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782 language learner. The commissioner may ~~shall~~ select additional  
783 formulas to measure student performance as appropriate for the  
784 remainder of the statewide, standardized assessments included  
785 under s. 1008.22 and continue to select formulas as new  
786 assessments are implemented in the state system. After the  
787 commissioner approves the formula to measure individual student  
788 learning growth, the State Board of Education shall adopt these  
789 formulas in rule.

790 (b) For courses associated with the statewide, standardized  
791 assessments under s. 1008.22, each school district shall measure  
792 student learning growth using the formulas approved by the  
793 commissioner under paragraph (a) and the standards for  
794 performance levels adopted by the state board under subsection  
795 (8) for courses associated with the statewide, standardized  
796 assessments administered under s. 1008.22 no later than the  
797 school year immediately following the year the formula is  
798 approved by the commissioner.

799 (c) For grades and subjects not assessed by statewide,  
800 standardized assessments, but otherwise locally assessed  
801 pursuant to s. 1008.22(6)(c) as required under s. 1008.22(6),  
802 each school district shall measure student performance of  
803 students using a methodology determined by the district.  
804 However, a school district may not administer an additional,  
805 final cumulative local assessment for a course measured under a  
806 statewide, standardized end-of-course assessment. As provided in  
807 state board rule, course content is set forth in the state  
808 standards required under s. 1003.41 and in the course  
809 description for the course as provided in the course code  
810 directory.



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

813 1. Determine the data sources, methodologies and  
814 proportions of student performance data used in each educator's  
815 evaluation based on the educator's school, classroom, or other  
816 instructional assignments; except that each school district must  
817 include data and student learning growth using the formulas  
818 approved by the commissioner pursuant to paragraph (a) and the  
819 standards for performance levels adopted by the state board  
820 pursuant to subsection (8).

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

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

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

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



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

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

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

865 (8) RULEMAKING.—No later than August 1, 2015, the State  
866 Board of Education shall adopt rules pursuant to ss. 120.536(1)  
867 and 120.54 which establish uniform procedures and the format for  
868 the submission, review, and approval of district evaluation



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869 systems and reporting requirements for the annual evaluation of  
870 instructional personnel and school administrators; specific,  
871 discrete standards for each performance level required under  
872 subsection (2), based on student learning growth models approved  
873 by the commissioner, to ensure clear and sufficient  
874 differentiation in the performance levels and to provide  
875 consistency in meaning across school districts; the measurement  
876 of student learning growth and associated implementation  
877 procedures required under subsection (7); and a process for  
878 monitoring school district implementation of evaluation systems  
879 in accordance with this section. ~~Specifically, the rules shall~~  
880 ~~establish student performance levels that if not met will result~~  
881 ~~in the employee receiving an unsatisfactory performance~~  
882 ~~evaluation rating. In like manner, the rules shall establish a~~  
883 ~~student performance level that must be met in order for an~~  
884 ~~employee to receive a highly effective rating and a student~~  
885 ~~learning growth standard that must be met in order for an~~  
886 ~~employee to receive an effective rating.~~

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

895 Section 9. Section 1012.3401, Florida Statutes, is  
896 repealed.

897 Section 10. School district contingency plan.-



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898 Notwithstanding s. 1008.34(7), Florida Statutes, a school  
899 district may, by majority vote of the district school board,  
900 request approval from the State Board of Education to waive all  
901 requirements and benefits specified in ss. 1008.34(7), 1008.36,  
902 and 1003.621, Florida Statutes, and instead use results from  
903 student performance on the new statewide, standardized  
904 assessments administered in the 2014-2015 school year pursuant  
905 to s. 1008.22, Florida Statutes, for diagnostic and baseline  
906 purposes only.

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

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

918 (b) The reason for the request, including a description of  
919 the systemic or unique technical implementation failure.  
920 Quantifiable data substantiating the reason for such failure  
921 must accompany the request. A school district's inability to  
922 assess the minimum percentage of students pursuant to ss.  
923 1008.34 and 1008.341, Florida Statutes, does not constitute a  
924 reasonable justification for requesting the waiver under this  
925 section.

926 (c) The school district's corrective action plan, which has





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927 been adopted by the district school board, and certification  
928 that the identified technical implementation failure must be  
929 resolved in time for successful administration of the statewide,  
930 standardized assessments during the 2015-2016 school year and  
931 each school year thereafter. The district must identify how the  
932 district plans to allocate resources and technical assistance  
933 that the district needs from the Department of Education to  
934 facilitate the district's successful resolution of technical  
935 deficiencies.

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

948 (2) The commissioner shall review each request for a waiver  
949 and consult with the applicable school district superintendent.  
950 The commissioner shall make, and provide reasons for,  
951 recommendations to the State Board of Education regarding  
952 granting or denying a request for waiver. The state board may  
953 consider recommendations made by the commissioner to approve or  
954 deny school district requests. Notwithstanding any other  
955 provision of law, the commissioner's recommendation to approve a



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956 request may, after consultation with the school district  
957 superintendent, include conditional requirements that must apply  
958 if approved by the state board. The decision of the state board,  
959 including any modifications adopted by the state board, is  
960 final.

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

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

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

970 (c) A school district shall continue to have its student  
971 performance results included in the statewide, standardized  
972 assessment results published by the department pursuant to s.  
973 1008.22, Florida Statutes.

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

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

981  
982 This section expires July 1, 2016.

983 Section 11. The Office of Program Policy Analysis and  
984 Government Accountability (OPPAGA) shall conduct a year-long



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985 study, beginning no later than August 1, 2015, to assess the  
986 cost-effectiveness of the leasing of examination questions by  
987 the Department of Education from the American Institute for  
988 Research as compared with using questions from an existing  
989 examination. No later than December 1, 2016, OPPAGA shall  
990 provide a report summarizing the findings of the study to the  
991 President of the Senate and the Speaker of the House of  
992 Representatives.

993 Section 12. Paragraph (a) of subsection (5) of section  
994 1003.4282, Florida Statutes, is amended to read:

995 1003.4282 Requirements for a standard high school diploma.-

996 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.-

997 (a) Each year a student scores Level 1 or Level 2 on the  
998 statewide, standardized grade 9 or grade 10 Reading assessment  
999 or, when implemented, the grade 9 or, grade 10, ~~or grade 11~~ ELA  
1000 assessment, the student may, as an option to the student, enroll  
1001 ~~must be enrolled in and complete~~ an intensive remedial course  
1002 the following year or be placed in a content area course that  
1003 includes remediation of skills not acquired by the student.

1004 Section 13. Paragraph (a) of subsection (1) of section  
1005 1003.4285, Florida Statutes, is amended to read:

1006 1003.4285 Standard high school diploma designations.-

1007 (1) Each standard high school diploma shall include, as  
1008 applicable, the following designations if the student meets the  
1009 criteria set forth for the designation:

1010 (a) *Scholar designation.*-In addition to the requirements of  
1011 s. 1003.4282, in order to earn the Scholar designation, a  
1012 student must satisfy the following requirements:

1013 1. ~~English Language Arts (ELA).~~ ~~Beginning with students~~



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1014 ~~entering grade 9 in the 2014-2015 school year, pass the~~  
1015 ~~statewide, standardized grade 11 ELA assessment.~~

1016 ~~2.~~ Mathematics.—Earn one credit in Algebra II and one  
1017 credit in statistics or an equally rigorous course. Beginning  
1018 with students entering grade 9 in the 2014-2015 school year,  
1019 pass the Algebra II and Geometry statewide, standardized  
1020 assessments.

1021 ~~2.3.~~ Science.—Pass the statewide, standardized Biology I  
1022 EOC assessment and earn one credit in chemistry or physics and  
1023 one credit in a course equally rigorous to chemistry or physics.  
1024 However, a student enrolled in an Advanced Placement (AP),  
1025 International Baccalaureate (IB), or Advanced International  
1026 Certificate of Education (AICE) Biology course who takes the  
1027 respective AP, IB, or AICE Biology assessment and earns the  
1028 minimum score necessary to earn college credit as identified  
1029 pursuant to s. 1007.27(2) meets the requirement of this  
1030 subparagraph without having to take the statewide, standardized  
1031 Biology I EOC assessment.

1032 ~~3.4.~~ Social studies.—Pass the statewide, standardized  
1033 United States History EOC assessment. However, a student  
1034 enrolled in an AP, IB, or AICE course that includes United  
1035 States History topics who takes the respective AP, IB, or AICE  
1036 assessment and earns the minimum score necessary to earn college  
1037 credit as identified pursuant to s. 1007.27(2) meets the  
1038 requirement of this subparagraph without having to take the  
1039 statewide, standardized United States History EOC assessment.

1040 ~~4.5.~~ Foreign language.—Earn two credits in the same foreign  
1041 language.

1042 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced



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1043 Placement, an International Baccalaureate, an Advanced  
1044 International Certificate of Education, or a dual enrollment  
1045 course.

1046 Section 14. Paragraph (c) of subsection (1) of section  
1047 1012.22, Florida Statutes, is amended to read:

1048 1012.22 Public school personnel; powers and duties of the  
1049 district school board.—The district school board shall:

1050 (1) Designate positions to be filled, prescribe  
1051 qualifications for those positions, and provide for the  
1052 appointment, compensation, promotion, suspension, and dismissal  
1053 of employees as follows, subject to the requirements of this  
1054 chapter:

1055 (c) *Compensation and salary schedules.*—

1056 1. Definitions.—As used in this paragraph, the term:

1057 a. "Adjustment" means an addition to the base salary  
1058 schedule that is not a bonus and becomes part of the employee's  
1059 permanent base salary and shall be considered compensation under  
1060 s. 121.021(22).

1061 b. "Grandfathered salary schedule" means the salary  
1062 schedule or schedules adopted by a district school board before  
1063 July 1, 2014, pursuant to subparagraph 4.

1064 c. "Instructional personnel" means instructional personnel  
1065 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
1066 teachers.

1067 d. "Performance salary schedule" means the salary schedule  
1068 or schedules adopted by a district school board pursuant to  
1069 subparagraph 5.

1070 e. "Salary schedule" means the schedule or schedules used  
1071 to provide the base salary for district school board personnel.



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1072 f. "School administrator" means a school administrator as  
1073 defined in s. 1012.01(3)(c).

1074 g. "Supplement" means an annual addition to the base salary  
1075 for the term of the negotiated supplement as long as the  
1076 employee continues his or her employment for the purpose of the  
1077 supplement. A supplement does not become part of the employee's  
1078 continuing base salary but shall be considered compensation  
1079 under s. 121.021(22).

1080 2. Cost-of-living adjustment.—A district school board may  
1081 provide a cost-of-living salary adjustment if the adjustment:

1082 a. Does not discriminate among comparable classes of  
1083 employees based upon the salary schedule under which they are  
1084 compensated.

1085 b. Does not exceed 50 percent of the annual adjustment  
1086 provided to instructional personnel rated as effective.

1087 3. Advanced degrees.—A district school board may not use  
1088 advanced degrees in setting a salary schedule for instructional  
1089 personnel or school administrators hired on or after July 1,  
1090 2011, unless the advanced degree is held in the individual's  
1091 area of certification and is only a salary supplement.

1092 4. Grandfathered salary schedule.—

1093 a. The district school board shall adopt a salary schedule  
1094 or salary schedules to be used as the basis for paying all  
1095 school employees hired before July 1, 2014. Instructional  
1096 personnel on annual contract as of July 1, 2014, shall be placed  
1097 on the performance salary schedule adopted under subparagraph 5.  
1098 Instructional personnel on continuing contract or professional  
1099 service contract may opt into the performance salary schedule if  
1100 the employee relinquishes such contract and agrees to be



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1101 employed on an annual contract under s. 1012.335. Such an  
1102 employee shall be placed on the performance salary schedule and  
1103 may not return to continuing contract or professional service  
1104 contract status. Any employee who opts into the performance  
1105 salary schedule may not return to the grandfathered salary  
1106 schedule.

1107       b. In determining the grandfathered salary schedule for  
1108 instructional personnel, a district school board must base a  
1109 portion of each employee's compensation upon performance  
1110 demonstrated under s. 1012.34 and shall provide differentiated  
1111 pay for both instructional personnel and school administrators  
1112 based upon district-determined factors, including, but not  
1113 limited to, additional responsibilities, school demographics,  
1114 critical shortage areas, and level of job performance  
1115 difficulties.

1116       5. Performance salary schedule.—By July 1, 2014, the  
1117 district school board shall adopt a performance salary schedule  
1118 that provides annual salary adjustments for instructional  
1119 personnel and school administrators based upon performance  
1120 determined under s. 1012.34. Employees hired on or after July 1,  
1121 2014, or employees who choose to move from the grandfathered  
1122 salary schedule to the performance salary schedule shall be  
1123 compensated pursuant to the performance salary schedule once  
1124 they have received the appropriate performance evaluation for  
1125 this purpose. However, a classroom teacher whose performance  
1126 evaluation uses ~~utilizes~~ student learning growth measures  
1127 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(e)~~ shall  
1128 remain under the grandfathered salary schedule until his or her  
1129 teaching assignment changes to a subject for which there is a a



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1130 statewide, standardized assessment or district-required local an  
1131 assessment or the school district establishes equally  
1132 appropriate measures of student learning growth as defined under  
1133 s. 1012.34 and rules of the State Board of Education.

1134 a. Base salary.—The base salary shall be established as  
1135 follows:

1136 (I) The base salary for instructional personnel or school  
1137 administrators who opt into the performance salary schedule  
1138 shall be the salary paid in the prior year, including  
1139 adjustments only.

1140 (II) Beginning July 1, 2014, instructional personnel or  
1141 school administrators new to the district, returning to the  
1142 district after a break in service without an authorized leave of  
1143 absence, or appointed for the first time to a position in the  
1144 district in the capacity of instructional personnel or school  
1145 administrator shall be placed on the performance salary  
1146 schedule.

1147 b. Salary adjustments.—Salary adjustments for highly  
1148 effective or effective performance shall be established as  
1149 follows:

1150 (I) The annual salary adjustment under the performance  
1151 salary schedule for an employee rated as highly effective must  
1152 be greater than the highest annual salary adjustment available  
1153 to an employee of the same classification through any other  
1154 salary schedule adopted by the district.

1155 (II) The annual salary adjustment under the performance  
1156 salary schedule for an employee rated as effective must be equal  
1157 to at least 50 percent and no more than 75 percent of the annual  
1158 adjustment provided for a highly effective employee of the same





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1159 classification.

1160 (III) The performance salary schedule shall not provide an  
1161 annual salary adjustment for an employee who receives a rating  
1162 other than highly effective or effective for the year.

1163 c. Salary supplements.—In addition to the salary  
1164 adjustments, each district school board shall provide for salary  
1165 supplements for activities that must include, but are not  
1166 limited to:

1167 (I) Assignment to a Title I eligible school.

1168 (II) Assignment to a school that earned a grade of "F" or  
1169 three consecutive grades of "D" pursuant to s. 1008.34 such that  
1170 the supplement remains in force for at least 1 year following  
1171 improved performance in that school.

1172 (III) Certification and teaching in critical teacher  
1173 shortage areas. Statewide critical teacher shortage areas shall  
1174 be identified by the State Board of Education under s. 1012.07.  
1175 However, the district school board may identify other areas of  
1176 critical shortage within the school district for purposes of  
1177 this sub-sub-subparagraph and may remove areas identified by the  
1178 state board which do not apply within the school district.

1179 (IV) Assignment of additional academic responsibilities.

1180

1181 If budget constraints in any given year limit a district school  
1182 board's ability to fully fund all adopted salary schedules, the  
1183 performance salary schedule may ~~shall~~ not be reduced on the  
1184 basis of total cost or the value of individual awards in a  
1185 manner that is proportionally greater than reductions to any  
1186 other salary schedules adopted by the district.

1187 Section 15. This act shall take effect upon becoming a law.