

1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1001.42, F.S.; revising a requirement for the
4 uniform opening date of public schools; amending s.
5 1002.20, F.S.; deleting provisions relating to
6 assessment, intensive instruction, and progress
7 monitoring for students with reading deficiencies;
8 amending ss. 1003.4156 and 1003.4282, F.S.; deleting
9 provisions relating to remediation for certain middle
10 grades and high school students, respectively;
11 amending s. 1003.4285, F.S.; revising requirements for
12 the scholar designation on standard high school
13 diplomas; amending s. 1003.621, F.S.; requiring that
14 academically high-performing school districts comply
15 with provisions relating to the uniform opening date
16 of public schools; amending s. 1008.22, F.S.; revising
17 the grade levels of students who must take the
18 statewide, standardized English Language Arts
19 assessment; revising provisions relating to end-of-
20 course assessments; requiring that all students
21 enrolled in certain courses take the statewide,
22 standardized end-of-course assessment associated with
23 the course; prohibiting students who take an end-of-
24 course assessment for a course from taking other
25 specified assessments; providing for use of certain
26 assessment results for students; revising provisions

27 relating to local assessments administered by school
28 districts; requiring that all end-of-course assessment
29 results be reported annually by a specified date;
30 providing an exemption for the 2014-2015 school year;
31 requiring the Commissioner of Education to annually
32 publish a uniform calendar for assessment and
33 reporting on the Department of Education's website;
34 requiring each school district to establish assessment
35 schedules, approve such schedules at a district school
36 board meeting, and publish such schedules on the
37 district's website; requiring each public school to
38 publish such schedules on the school's website;
39 providing that certain assessments replace final
40 assessments in certain courses; requiring teachers and
41 parents to be provided with results of district-
42 required local assessments in a timely manner;
43 requiring rulemaking relating to the uniform calendar;
44 amending s. 1008.24, F.S.; providing that school
45 districts may use specified employees to administer
46 and proctor certain assessments; amending s. 1008.25,
47 F.S.; deleting requirements for the comprehensive
48 student progression plan; requiring each district
49 school board to adopt criteria for student grade-level
50 progression; revising provisions relating to support
51 for certain students and student promotion from grade
52 3 to grade 4; providing for intensive instruction for

53 certain students; revising reporting requirements;
54 amending s. 1008.30, F.S.; deleting a requirement for
55 certain students to be evaluated for college
56 readiness; amending s. 1011.62, F.S.; deleting
57 requirements that specified funds be used for certain
58 intensive reading instruction; revising requirements
59 for the funding of a comprehensive reading instruction
60 system, to include certain components for students in
61 intensive reading acceleration courses; requiring the
62 department to regularly report certain findings to the
63 State Board of Education; requiring the state board to
64 annually review the effectiveness of each school
65 district's K-12 comprehensive reading plan; amending
66 s. 1012.34, F.S.; revising reporting requirements
67 relating to school district personnel evaluation
68 systems; revising evaluation criteria and
69 requirements; revising provisions relating to the
70 measurement of student performance; deleting
71 provisions relating to district bonus rewards for
72 performance pay based on evaluation progress;
73 repealing s. 1012.3401, F.S., relating to requirements
74 for measuring student performance in instructional
75 personnel and school administrator performance
76 evaluations and performance evaluation of personnel
77 for purposes of performance salary schedule; amending
78 s. 1012.98, F.S.; revising provisions relating to

79 personnel evaluation for purposes of professional
 80 development; providing an effective date.

81

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

83

84 Section 1. Paragraph (f) of subsection (4) of section
 85 1001.42, Florida Statutes, is amended to read:

86 1001.42 Powers and duties of district school board.—The
 87 district school board, acting as a board, shall exercise all
 88 powers and perform all duties listed below:

89 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
 90 SCHOOLS.—Adopt and provide for the execution of plans for the
 91 establishment, organization, and operation of the schools of the
 92 district, including, but not limited to, the following:

93 (f) Opening and closing of schools; fixing uniform date.—
 94 Adopt policies for the opening and closing of schools and fix
 95 uniform dates; however, ~~beginning with the 2007-2008 school~~
 96 ~~year,~~ the opening date for schools in the district may not be
 97 earlier than August 10 ~~14 days before Labor Day~~ each year.

98 Section 2. Subsection (11) of section 1002.20, Florida
 99 Statutes, is amended to read:

100 1002.20 K-12 student and parent rights.—Parents of public
 101 school students must receive accurate and timely information
 102 regarding their child's academic progress and must be informed
 103 of ways they can help their child to succeed in school. K-12
 104 students and their parents are afforded numerous statutory

105 rights including, but not limited to, the following:

106 ~~(11) STUDENTS WITH READING DEFICIENCIES. Each elementary~~
 107 ~~school shall regularly assess the reading ability of each K-3~~
 108 ~~student. The parent of any K-3 student who exhibits a reading~~
 109 ~~deficiency shall be immediately notified of the student's~~
 110 ~~deficiency with a description and explanation, in terms~~
 111 ~~understandable to the parent, of the exact nature of the~~
 112 ~~student's difficulty in learning and lack of achievement in~~
 113 ~~reading; shall be consulted in the development of a progress~~
 114 ~~monitoring plan, as described in s. 1008.25(4)(b); and shall be~~
 115 ~~informed that the student will be given intensive reading~~
 116 ~~instruction until the deficiency is corrected. This subsection~~
 117 ~~operates in addition to the remediation and notification~~
 118 ~~provisions contained in s. 1008.25 and in no way reduces the~~
 119 ~~rights of a parent or the responsibilities of a school district~~
 120 ~~under that section.~~

121 Section 3. Subsections (2) and (3) of section 1003.4156,
 122 Florida Statutes, are amended to read:

123 1003.4156 General requirements for middle grades
 124 promotion.—

125 ~~(2) If a middle grades student scores Level 1 or Level 2~~
 126 ~~on the statewide, standardized Reading assessment or, when~~
 127 ~~implemented, the English Language Arts (ELA) assessment, the~~
 128 ~~following year the student must enroll in and complete a~~
 129 ~~remedial course or a content area course in which remediation~~
 130 ~~strategies are incorporated into course content delivery. The~~

131 ~~department shall provide guidance on appropriate strategies for~~
132 ~~diagnosing and meeting the varying instructional needs of~~
133 ~~students performing below grade level.~~

134 ~~(3) If a middle grades student scores Level 1 or Level 2~~
135 ~~on the statewide, standardized Mathematics assessment, the~~
136 ~~following year the student must receive remediation, which may~~
137 ~~be integrated into the student's required mathematics courses.~~

138 Section 4. Subsection (5) of section 1003.4282, Florida
139 Statutes, is amended to read:

140 1003.4282 Requirements for a standard high school
141 diploma.—

142 ~~(5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—~~

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

150 ~~(b) Each year a student scores Level 1 or Level 2 on the~~
151 ~~statewide, standardized Algebra I EOC assessment, the student~~
152 ~~must be enrolled in and complete an intensive remedial course~~
153 ~~the following year or be placed in a content area course that~~
154 ~~includes remediation of skills not acquired by the student.~~

155 Section 5. Paragraph (a) of subsection (1) of section
156 1003.4285, Florida Statutes, is amended to read:

157 1003.4285 Standard high school diploma designations.—

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

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

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

167 1.2. Mathematics.—Earn one credit in Algebra II and one
168 credit in statistics or an equally rigorous course. Beginning
169 with students entering grade 9 in the 2014-2015 school year,
170 pass the Algebra II and Geometry statewide, standardized
171 assessments.

172 2.3. Science.—Pass the statewide, standardized Biology I
173 EOC assessment and earn one credit in chemistry or physics and
174 one credit in a course equally rigorous to chemistry or physics.
175 However, a student enrolled in an Advanced Placement (AP),
176 International Baccalaureate (IB), or Advanced International
177 Certificate of Education (AICE) Biology course who takes the
178 respective AP, IB, or AICE Biology assessment and earns the
179 minimum score necessary to earn college credit as identified
180 pursuant to s. 1007.27(2) meets the requirement of this
181 subparagraph without having to take the statewide, standardized
182 Biology I EOC assessment.

183 ~~3.4.~~ Social studies.—Pass the statewide, standardized
184 United States History EOC assessment. However, a student
185 enrolled in an AP, IB, or AICE course that includes United
186 States History topics who takes the respective AP, IB, or AICE
187 assessment and earns the minimum score necessary to earn college
188 credit as identified pursuant to s. 1007.27(2) meets the
189 requirement of this subparagraph without having to take the
190 statewide, standardized United States History EOC assessment.

191 ~~4.5.~~ Foreign language.—Earn two credits in the same
192 foreign language.

193 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
194 Placement, an International Baccalaureate, an Advanced
195 International Certificate of Education, or a dual enrollment
196 course.

197 Section 6. Paragraph (k) of subsection (2) of section
198 1003.621, Florida Statutes, is redesignated as paragraph (l),
199 and a new paragraph (k) is added to that subsection to read:

200 1003.621 Academically high-performing school districts.—It
201 is the intent of the Legislature to recognize and reward school
202 districts that demonstrate the ability to consistently maintain
203 or improve their high-performing status. The purpose of this
204 section is to provide high-performing school districts with
205 flexibility in meeting the specific requirements in statute and
206 rules of the State Board of Education.

207 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
208 high-performing school district shall comply with all of the

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209 provisions in chapters 1000-1013, and rules of the State Board
210 of Education which implement these provisions, pertaining to the
211 following:

212 (k) Section 1001.42(4)(f), relating to the uniform opening
213 date of public schools.

214 Section 7. Subsections (3), (4), and (6) of section
215 1008.22, Florida Statutes, are amended, subsections (7) through
216 (11) are renumbered as subsections (8) through (12),
217 respectively, and a new subsection (7) is added to that section,
218 to read:

219 1008.22 Student assessment program for public schools.—

220 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
221 Commissioner of Education shall design and implement a
222 statewide, standardized assessment program aligned to the core
223 curricular content established in the Next Generation Sunshine
224 State Standards. The commissioner also must develop or select
225 and implement a common battery of assessment tools that will be
226 used in all juvenile justice education programs in the state.
227 These tools must accurately measure the core curricular content
228 established in the Next Generation Sunshine State Standards.
229 Participation in the assessment program is mandatory for all
230 school districts and all students attending public schools,
231 including adult students seeking a standard high school diploma
232 under s. 1003.4282 and students in Department of Juvenile
233 Justice education programs, except as otherwise provided by law.
234 If a student does not participate in the assessment program, the

235 school district must notify the student's parent and provide the
236 parent with information regarding the implications of such
237 nonparticipation. The statewide, standardized assessment program
238 shall be designed and implemented as follows:

239 (a) Statewide, standardized comprehensive assessments.—The
240 statewide, standardized Reading assessment shall be administered
241 annually in grades 3 through 10. The statewide, standardized
242 Writing assessment shall be administered annually at least once
243 at the elementary, middle, and high school levels. When the
244 Reading and Writing assessments are replaced by English Language
245 Arts (ELA) assessments, ELA assessments shall be administered to
246 students in grades 3 through 10 ~~11~~. Retake opportunities for the
247 grade 10 Reading assessment or, upon implementation, the grade
248 10 ELA assessment must be provided. Students taking the ELA
249 assessments shall not take the statewide, standardized
250 assessments in Reading or Writing. ELA assessments shall be
251 administered online. The statewide, standardized Mathematics
252 assessments shall be administered annually in grades 3 through
253 8. Students taking a revised Mathematics assessment shall not
254 take the discontinued assessment. The statewide, standardized
255 Science assessment shall be administered annually at least once
256 at the elementary and middle grades levels. In order to earn a
257 standard high school diploma, a student who has not earned a
258 passing score on the grade 10 Reading assessment or, upon
259 implementation, the grade 10 ELA assessment must earn a passing
260 score on the assessment retake or earn a concordant score as

261 authorized under subsection (8) ~~(7)~~.

262 (b) End-of-course (EOC) assessments.—EOC assessments must
263 be statewide, standardized, and developed or approved by the
264 Department of Education as follows:

265 1. EOC assessments for Algebra I, Geometry, Algebra II,
266 Biology I, United States History, and Civics shall be
267 administered to students enrolled in such courses as specified
268 in the course code directory ~~Statewide, standardized EOC~~
269 ~~assessments in mathematics shall be administered according to~~
270 ~~this subparagraph. Beginning with the 2010-2011 school year, all~~
271 ~~students enrolled in Algebra I must take the Algebra I EOC~~
272 ~~assessment. Except as otherwise provided in paragraph (c),~~
273 ~~beginning with students entering grade 9 in the 2011-2012 school~~
274 ~~year, a student who is enrolled in Algebra I must earn a passing~~
275 ~~score on the Algebra I EOC assessment or attain a comparative~~
276 ~~score as authorized under subsection (8) in order to earn a~~
277 ~~standard high school diploma. In order to earn a standard high~~
278 ~~school diploma, a student who has not earned a passing score on~~
279 ~~the Algebra I EOC assessment must earn a passing score on the~~
280 ~~assessment retake or a comparative score as authorized under~~
281 ~~subsection (8). Beginning with the 2011-2012 school year, all~~
282 ~~students enrolled in Geometry must take the Geometry EOC~~
283 ~~assessment. Middle grades students enrolled in Algebra I,~~
284 ~~Geometry, or Biology I must take the statewide, standardized EOC~~
285 ~~assessment for those courses and shall not take the~~
286 ~~corresponding subject and grade-level statewide, standardized~~

287 ~~assessment. When a statewide, standardized EOC assessment in~~
288 ~~Algebra II is administered, all students enrolled in Algebra II~~
289 ~~must take the EOC assessment. Pursuant to the commissioner's~~
290 ~~implementation schedule, student performance on the Algebra II~~
291 ~~EOC assessment constitutes 30 percent of a student's final~~
292 ~~course grade.~~

293 ~~2. Statewide, standardized EOC assessments in science~~
294 ~~shall be administered according to this subparagraph. Beginning~~
295 ~~with the 2011-2012 school year, all students enrolled in Biology~~
296 ~~I must take the Biology I EOC assessment. Beginning with~~
297 ~~students entering grade 9 in the 2013-2014 school year,~~
298 ~~performance on the Biology I EOC assessment constitutes 30~~
299 ~~percent of the student's final course grade.~~

300 ~~2.3. Students enrolled in a course, as specified in the~~
301 ~~course code directory, with an associated statewide,~~
302 ~~standardized EOC assessment must take the EOC assessment for~~
303 ~~such course and may not take the corresponding subject or grade-~~
304 ~~level statewide, standardized assessment pursuant to paragraph~~
305 ~~(a). Sections 1003.4156 and 1003.4282 govern the use of~~
306 ~~statewide, standardized EOC assessment results for students~~
307 ~~Beginning with the 2013-2014 school year, each student's~~
308 ~~performance on the statewide, standardized middle grades Civics~~
309 ~~EOC assessment constitutes 30 percent of the student's final~~
310 ~~course grade in civics education.~~

311 ~~3.4. The commissioner may select one or more nationally~~
312 ~~developed comprehensive examinations, which may include~~

313 examinations for a College Board Advanced Placement course,
314 International Baccalaureate course, or Advanced International
315 Certificate of Education course, or industry-approved
316 examinations to earn national industry certifications identified
317 in the Industry Certification Funding List, for use as EOC
318 assessments under this paragraph if the commissioner determines
319 that the content knowledge and skills assessed by the
320 examinations meet or exceed the grade-level expectations for the
321 core curricular content established for the course in the Next
322 Generation Sunshine State Standards. Use of any such examination
323 as an EOC assessment must be approved by the state board in
324 rule.

325 ~~4.5.~~ Contingent upon funding provided in the General
326 Appropriations Act, including the appropriation of funds
327 received through federal grants, the commissioner may establish
328 an implementation schedule for the development and
329 administration of additional statewide, standardized EOC
330 assessments that must be approved by the state board in rule. If
331 approved by the state board, student performance on such
332 assessments constitutes 30 percent of a student's final course
333 grade.

334 ~~5.6.~~ All statewide, standardized EOC assessments must be
335 administered online except as otherwise provided in paragraph
336 (c).

337 (c) Students with disabilities; Florida Alternate
338 Assessment.—

339 1. Each district school board must provide instruction to
340 prepare students with disabilities in the core content knowledge
341 and skills necessary for successful grade-to-grade progression
342 and high school graduation.

343 2. A student with a disability, as defined in s. 1007.02,
344 for whom the individual education plan (IEP) team determines
345 that the statewide, standardized assessments under this section
346 cannot accurately measure the student's abilities, taking into
347 consideration all allowable accommodations, shall have
348 assessment results waived for the purpose of receiving a course
349 grade and a standard high school diploma. Such waiver shall be
350 designated on the student's transcript. The statement of waiver
351 shall be limited to a statement that performance on an
352 assessment was waived for the purpose of receiving a course
353 grade or a standard high school diploma, as applicable.

354 3. The State Board of Education shall adopt rules, based
355 upon recommendations of the commissioner, for the provision of
356 assessment accommodations for students with disabilities and for
357 students who have limited English proficiency.

358 a. Accommodations that negate the validity of a statewide,
359 standardized assessment are not allowed during the
360 administration of the assessment. However, instructional
361 accommodations are allowed in the classroom if identified in a
362 student's IEP. Students using instructional accommodations in
363 the classroom that are not allowed on a statewide, standardized
364 assessment may have assessment results waived if the IEP team

365 determines that the assessment cannot accurately measure the
366 student's abilities.

367 b. If a student is provided with instructional
368 accommodations in the classroom that are not allowed as
369 accommodations for statewide, standardized assessments, the
370 district must inform the parent in writing and provide the
371 parent with information regarding the impact on the student's
372 ability to meet expected performance levels. A parent must
373 provide signed consent for a student to receive classroom
374 instructional accommodations that would not be available or
375 permitted on a statewide, standardized assessment and
376 acknowledge in writing that he or she understands the
377 implications of such instructional accommodations.

378 c. If a student's IEP states that online administration of
379 a statewide, standardized assessment will significantly impair
380 the student's ability to perform, the assessment shall be
381 administered in hard copy.

382 4. For students with significant cognitive disabilities,
383 the Department of Education shall provide for implementation of
384 the Florida Alternate Assessment to accurately measure the core
385 curricular content established in the Next Generation Sunshine
386 State Standards.

387 (d) Implementation schedule.—

388 1. The Commissioner of Education shall establish and
389 publish on the department's website an implementation schedule
390 to transition from the statewide, standardized Reading and

391 Writing assessments to the ELA assessments and to the revised
392 Mathematics assessments, including the Algebra I and Geometry
393 EOC assessments. The schedule must take into consideration
394 funding, sufficient field and baseline data, access to
395 assessments, instructional alignment, and school district
396 readiness to administer the assessments online.

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

402 (e) Assessment scores and achievement levels.—

403 1. All statewide, standardized EOC assessments and ELA,
404 Mathematics ~~Reading, Writing,~~ and Science assessments shall use
405 scaled scores and achievement levels. Achievement levels shall
406 range from 1 through 5, with level 1 being the lowest
407 achievement level, level 5 being the highest achievement level,
408 and level 3 indicating satisfactory performance on an
409 assessment. ~~For purposes of the statewide, standardized Writing~~
410 ~~assessment, student achievement shall be scored using a scale of~~
411 ~~1 through 6.~~

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

414 3. If the commissioner seeks to revise a statewide,
415 standardized assessment and the revisions require the state
416 board to modify performance level scores, including the passing

417 | score, the commissioner shall provide a copy of the proposed
418 | scores and implementation plan to the President of the Senate
419 | and the Speaker of the House of Representatives at least 90 days
420 | before submission to the state board for review. Until the state
421 | board adopts the modifications by rule, the commissioner shall
422 | use calculations for scoring the assessment that adjust student
423 | scores on the revised assessment for statistical equivalence to
424 | student scores on the former assessment. The state board shall
425 | adopt by rule the passing score for the revised assessment that
426 | is statistically equivalent to the passing score on the
427 | discontinued assessment for a student who is required to attain
428 | a passing score on the discontinued assessment. The commissioner
429 | may, with approval of the state board, discontinue
430 | administration of the former assessment upon the graduation,
431 | based on normal student progression, of students participating
432 | in the final regular administration of the former assessment. If
433 | the commissioner revises a statewide, standardized assessment
434 | and the revisions require the state board to modify the passing
435 | score, only students taking the assessment for the first time
436 | after the rule is adopted are affected.

437 | ~~(f) Assessment schedules and reporting of results. The~~
438 | ~~Commissioner of Education shall establish schedules for the~~
439 | ~~administration of assessments and the reporting of student~~
440 | ~~assessment results. The commissioner shall consider the~~
441 | ~~observance of religious and school holidays when developing the~~
442 | ~~schedule. By August 1 of each year, the commissioner shall~~

443 ~~notify each school district in writing and publish on the~~
444 ~~department's website the assessment and reporting schedules for,~~
445 ~~at a minimum, the school year following the upcoming school~~
446 ~~year. The assessment and reporting schedules must provide the~~
447 ~~earliest possible reporting of student assessment results to the~~
448 ~~school districts. Assessment results for the statewide,~~
449 ~~standardized Reading assessments, or upon implementation the ELA~~
450 ~~assessments, and Mathematics assessments, including the EOC~~
451 ~~assessments in Algebra I and Geometry, must be made available no~~
452 ~~later than the week of June 8. The administration of the~~
453 ~~statewide, standardized Writing assessment and the Florida~~
454 ~~Alternate Assessment may be no earlier than the week of March 1.~~
455 ~~School districts shall administer assessments in accordance with~~
456 ~~the schedule established by the commissioner.~~

457 (f) ~~(g)~~ Prohibited activities.—A district school board
458 shall prohibit each public school from suspending a regular
459 program of curricula for purposes of administering practice
460 assessments or engaging in other assessment-preparation
461 activities for a statewide, standardized assessment. However, a
462 district school board may authorize a public school to engage in
463 the following assessment-preparation activities:

- 464 1. Distributing to students sample assessment books and
465 answer keys published by the Department of Education.
- 466 2. Providing individualized instruction in assessment-
467 taking strategies, without suspending the school's regular
468 program of curricula, for a student who scores Level 1 or Level

469 2 on a prior administration of an assessment.

470 3. Providing individualized instruction in the content
471 knowledge and skills assessed, without suspending the school's
472 regular program of curricula, for a student who scores Level 1
473 or Level 2 on a prior administration of an assessment or a
474 student who, through a diagnostic assessment administered by the
475 school district, is identified as having a deficiency in the
476 content knowledge and skills assessed.

477 4. Administering a practice assessment or engaging in
478 other assessment-preparation activities that are determined
479 necessary to familiarize students with the organization of the
480 assessment, the format of assessment items, and the assessment
481 directions or that are otherwise necessary for the valid and
482 reliable administration of the assessment, as set forth in rules
483 adopted by the State Board of Education with specific reference
484 to this paragraph.

485 (g)~~(h)~~ Contracts for assessments.—The commissioner shall
486 provide for the assessments to be developed or obtained, as
487 appropriate, through contracts and project agreements with
488 private vendors, public vendors, public agencies, postsecondary
489 educational institutions, or school districts. The commissioner
490 may enter into contracts for the continued administration of the
491 assessments authorized and funded by the Legislature. Contracts
492 may be initiated in 1 fiscal year and continue into the next
493 fiscal year and may be paid from the appropriations of either or
494 both fiscal years. The commissioner may negotiate for the sale

495 or lease of tests, scoring protocols, test scoring services, and
496 related materials developed pursuant to law.

497 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED
498 ASSESSMENT PROGRAM PROGRAMS.—Each public school shall
499 participate in the statewide, standardized assessment program in
500 accordance with the assessment and reporting schedules and the
501 minimum and recommended technology requirements published by the
502 Commissioner of Education. District school boards shall not
503 establish school calendars that conflict with or jeopardize
504 implementation of the assessment program. All district school
505 boards shall report assessment results using ~~as required by~~ the
506 state management information system. Performance data shall be
507 analyzed and reported to parents, the community, and the state.
508 Student performance data shall be used by districts in
509 developing objectives for the school improvement plan,
510 evaluating instructional personnel and administrative personnel,
511 assigning staff, allocating resources, acquiring instructional
512 materials and technology, implementing performance-based
513 budgeting, and promoting and assigning students to educational
514 programs. The analysis of student performance data must also
515 identify strengths and needs in the educational program and
516 trends over time. The analysis must be used in conjunction with
517 the budgetary planning processes developed pursuant to s.
518 1008.385 and the development of remediation programs.

519 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
520 STANDARDS ASSESSMENTS.—

521 (a) Measurement of student performance is the
522 responsibility of school districts ~~in all subjects and grade~~
523 ~~levels,~~ except in those subjects and grade levels measured under
524 the statewide, standardized assessment program described in this
525 section, ~~is the responsibility of the school districts.~~

526 ~~(b) Except for those subjects and grade levels measured~~
527 ~~under the statewide, standardized assessment program, beginning~~
528 ~~with the 2014-2015 school year, each school district shall~~
529 ~~administer for each course offered in the district a local~~
530 ~~assessment that measures student mastery of course content at~~
531 ~~the necessary level of rigor for the course. As adopted pursuant~~
532 ~~to State Board of Education rule, course content is set forth in~~
533 ~~the state standards required by s. 1003.41 and in the course~~
534 ~~description. Local assessments may include:~~

535 1. ~~Statewide assessments.~~

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

538 3. ~~Industry certification assessments.~~

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

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

542 ~~(c) Each district school board must adopt policies for~~
543 ~~selection, development, administration, and scoring of local~~
544 ~~assessments and for collection of assessment results. Local~~
545 ~~assessments implemented under subparagraphs (b) 4. and 5. may~~
546 ~~include a variety of assessment formats, including, but not~~

547 ~~limited to, project-based assessments, adjudicated performances,~~
548 ~~and practical application assignments. For all English Language~~
549 ~~Arts, mathematics, science, and social studies courses offered~~
550 ~~in the district that are used to meet graduation requirements~~
551 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
552 ~~not otherwise assessed by statewide, standardized assessments,~~
553 ~~the district school board must select the assessments described~~
554 ~~in subparagraphs (b)1.-4.~~

555 (b)(d) The Commissioner of Education shall identify
556 methods to assist and support districts in measuring student
557 performance on the state standards by maintaining a statewide
558 ~~the development and acquisition of assessments required under~~
559 ~~this subsection. Methods may include developing item bank banks,~~
560 ~~facilitating the sharing of developed tests or test items among~~
561 ~~school districts, acquiring assessments from state and national~~
562 ~~curriculum area organizations, and providing technical~~
563 ~~assistance in best assessment professional practices. The~~
564 commissioner may discontinue the item bank if he or she
565 determines that district participation is insufficient for its
566 sustainability of test development based upon state-adopted
567 ~~curriculum standards, administration, and security.~~

568 ~~(c) Each school district shall establish schedules for the~~
569 ~~administration of any district-mandated assessment and approve~~
570 ~~the schedules as an agenda item at a district school board~~
571 ~~meeting. The school district shall publish the testing schedules~~
572 ~~on its website, clearly specifying the district-mandated~~

573 ~~assessments, and report the schedules to the Department of~~
574 ~~Education by October 1 of each year.~~

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

576 (a) The Commissioner of Education shall establish
577 schedules for the administration of statewide, standardized
578 assessments and the reporting of student assessment results. The
579 commissioner shall consider the observance of religious and
580 school holidays when developing the schedules. The assessment
581 and reporting schedules must provide the earliest possible
582 reporting of student assessment results to the school districts.
583 Assessment results for the statewide, standardized ELA and
584 Mathematics assessments and all statewide, standardized EOC
585 assessments must be made available no later than the week of
586 June 8, except for results of assessments administered in the
587 2014-2015 school year. School districts shall administer
588 statewide, standardized assessments in accordance with the
589 schedule established by the commissioner.

590 (b) By August of each year, beginning in 2016, the
591 commissioner shall publish on the department's website a uniform
592 calendar that includes the assessment and reporting schedules
593 for, at a minimum, the next 2 school years. The uniform calendar
594 must be provided to school districts in an electronic format
595 that allows each school district and public school to populate
596 the calendar with, at minimum, the following information for
597 reporting the district assessment schedules under paragraph (c):

598 1. Whether the assessment is a district-required

599 assessment or a state-required assessment.

600 2. The specific date or dates that each assessment will be
601 administered.

602 3. The time allotted to administer each assessment.

603 4. Whether the assessment is a computer-based assessment
604 or a paper-based assessment.

605 5. The grade level or subject area associated with the
606 assessment.

607 6. The date that the assessment results are expected to be
608 available to teachers and parents.

609 7. The type of assessment, the purpose of the assessment,
610 and the use of the assessment results.

611 8. A glossary of assessment terminology.

612 (c) Each school district shall establish schedules for the
613 administration of any statewide, standardized assessments and
614 district-required assessments and approve the schedules as an
615 agenda item at a district school board meeting. Each school
616 district shall publish the testing schedules on its website
617 using the uniform calendar, including all information required
618 under paragraph (b), and submit the schedules to the Department
619 of Education by October 1 of each year. Each public school shall
620 publish schedules for statewide, standardized assessments and
621 district-required assessments on its website using the uniform
622 calendar, including all information required under paragraph
623 (b). The uniform calendar must be included in the parent guide
624 required by s. 1002.23(5).

625 (d) A statewide, standardized EOC assessment must be used
626 as the final cumulative examination for its associated course.
627 No additional final assessment may be administered in a course
628 with a statewide, standardized EOC assessment. A district-
629 required local assessment may be used as the final cumulative
630 examination for its associated course in accordance with the
631 school district's policy.

632 (e) A subject-area or grade-level teacher whose student
633 takes a district-required local assessment must be provided the
634 student's results in a timely manner to inform instruction.
635 Thereafter, assessment results must be provided to the student's
636 parent in a timely manner.

637 (f) The State Board of Education shall adopt rules for the
638 development of the uniform calendar that, at minimum, define
639 terms that must be used in the calendar to describe various
640 assessments, including the terms "summative assessment,"
641 "formative assessment," and "interim assessment."

642 Section 8. Subsection (3) of section 1008.24, Florida
643 Statutes, is amended to read:

644 1008.24 Test administration and security; public records
645 exemption.—

646 (3) (a) A school district may contract with qualified
647 contractors to administer and proctor statewide, standardized
648 assessments required under s. 1008.22 or assessments associated
649 with Florida-approved ~~Florida approved~~ courses under s.
650 1003.499, as approved by the Department of Education in

651 accordance with rules of the State Board of Education.
652 Assessments may be administered or proctored by qualified
653 contractors at sites that meet criteria established by rules of
654 the State Board of Education and adopted pursuant to ss.
655 120.536(1) and 120.54 to implement the contracting requirements
656 of this subsection.

657 (b) A school district may use district employees, such as
658 education paraprofessionals as described in s. 1012.37, to
659 administer and proctor statewide, standardized assessments
660 required under s. 1008.22 or assessments associated with
661 Florida-approved courses under s. 1003.499, in accordance with
662 this section and related rules adopted by the State Board of
663 Education.

664 Section 9. Section 1008.25, Florida Statutes, is amended
665 to read:

666 1008.25 Public school student progression; student support
667 ~~remedial instruction~~; reporting requirements.—

668 (1) INTENT.—It is the intent of the Legislature that each
669 student's progression from one grade to another be determined,
670 in part, upon satisfactory performance in English language arts,
671 social studies, ~~reading, writing,~~ science, and mathematics; that
672 district school board policies facilitate student achievement;
673 that each student and his or her parent be informed of that
674 student's academic progress; and that students have access to
675 educational options that provide academically challenging
676 coursework or accelerated instruction pursuant to s. 1002.3105.

677 (2) ~~COMPREHENSIVE STUDENT PROGRESSION PLAN.~~—Each district
678 school board shall adopt criteria for a student's progression
679 from one grade to another based on the student's mastery of the
680 standards in s. 1003.41, specifically English language arts,
681 mathematics, science, and social studies standards. The criteria
682 must emphasize student reading proficiency in kindergarten
683 through grade 3 in accordance with the district's K-12
684 comprehensive reading plan under s. 1011.62(9) and provide
685 targeted instructional support for students with identified
686 deficiencies in English language arts, mathematics, science, and
687 social studies. High schools shall use all available assessment
688 results, including the results of statewide, standardized
689 English Language Arts assessments and end-of-course assessments
690 for Algebra I and Geometry, to advise students of any identified
691 deficiencies and to provide appropriate postsecondary
692 preparatory instruction before high school graduation. The
693 results of evaluations used to monitor a student's progress in
694 grades K-12 must be provided to the student's teacher in a
695 timely manner to inform instruction. Thereafter, evaluation
696 results must be provided to the student's parent in a timely
697 manner. The criteria must also address the following options:
698 acceleration, whole-grade and midyear promotion, early
699 graduation, dual enrollment, the progressive use of digital
700 tools and applications, and virtual instruction. Parents must be
701 notified of a district's progression criteria as part of the
702 parent guide required by s. 1002.23(5) ~~establish a comprehensive~~

703 ~~plan for student progression which must:~~

704 ~~(a) Provide standards for evaluating each student's~~
705 ~~performance, including how well he or she masters the~~
706 ~~performance standards approved by the State Board of Education.~~

707 ~~(b) Provide specific levels of performance in reading,~~
708 ~~writing, science, and mathematics for each grade level,~~
709 ~~including the levels of performance on statewide assessments as~~
710 ~~defined by the commissioner, below which a student must receive~~
711 ~~remediation or be retained within an intensive program that is~~
712 ~~different from the previous year's program and that takes into~~
713 ~~account the student's learning style.~~

714 ~~(c) Provide appropriate alternative placement for a~~
715 ~~student who has been retained 2 or more years.~~

716 ~~(d)1. List the student eligibility and procedural~~
717 ~~requirements established by the school district for whole-grade~~
718 ~~promotion, midyear promotion, and subject-matter acceleration~~
719 ~~that would result in a student attending a different school,~~
720 ~~pursuant to s. 1002.3105(2)(b).~~

721 ~~2. Notify parents and students of the school district's~~
722 ~~process by which a parent may request student participation in~~
723 ~~whole-grade promotion, midyear promotion, or subject-matter~~
724 ~~acceleration that would result in a student attending a~~
725 ~~different school, pursuant to s. 1002.3105(4)(b)2.~~

726 ~~(e)1. Advise parents and students that additional ACCEL~~
727 ~~options may be available at the student's school, pursuant to s.~~
728 ~~1002.3105.~~

729 ~~2. Advise parents and students to contact the principal at~~
730 ~~the student's school for information related to student~~
731 ~~eligibility requirements for whole grade promotion, midyear~~
732 ~~promotion, and subject-matter acceleration when the promotion or~~
733 ~~acceleration occurs within the principal's school; virtual~~
734 ~~instruction in higher grade level subjects; and any other ACCEL~~
735 ~~options offered by the principal, pursuant to s.~~
736 ~~1002.3105(2)(a).~~

737 ~~3. Advise parents and students to contact the principal at~~
738 ~~the student's school for information related to the school's~~
739 ~~process by which a parent may request student participation in~~
740 ~~whole grade promotion, midyear promotion, and subject-matter~~
741 ~~acceleration when the promotion or acceleration occurs within~~
742 ~~the principal's school; virtual instruction in higher grade~~
743 ~~level subjects; and any other ACCEL options offered by the~~
744 ~~principal, pursuant to s. 1002.3105(4)(b)1.~~

745 ~~(f) Advise parents and students of the early graduation~~
746 ~~options under s. 1003.4281.~~

747 ~~(g) List, or incorporate by reference, all dual enrollment~~
748 ~~courses contained within the dual enrollment articulation~~
749 ~~agreement established pursuant to s. 1007.271(21).~~

750 ~~(h) Provide instructional sequences by which students in~~
751 ~~kindergarten through high school may attain progressively higher~~
752 ~~levels of skill in the use of digital tools and applications.~~
753 ~~The instructional sequences must include participation in~~
754 ~~curricular and instructional options and the demonstration of~~

755 ~~competence of standards required pursuant to ss. 1003.41 and~~
756 ~~1003.4203 through attainment of industry certifications and~~
757 ~~other means of demonstrating credit requirements identified~~
758 ~~under ss. 1002.3105, 1003.4203, and 1003.4282.~~

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

762 ~~(a) Students who are deficient in reading by the end of~~
763 ~~grade 3.~~

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

767 ~~(3)(4) ASSESSMENT AND SUPPORT REMEDIATION.—~~

768 (a) Each student must participate in the statewide,
769 standardized assessment program required by s. 1008.22. Each
770 student who does not achieve a meet specific levels of
771 performance on the required assessments as determined by the
772 district school board or who scores below Level 3 or above on
773 the statewide, standardized Reading assessment or, upon
774 ~~implementation,~~ the English Language Arts assessment, or on the
775 statewide, standardized Mathematics assessment, or assessments
776 ~~in grades 3 through 8 and the Algebra I EOC assessment must be~~
777 evaluated ~~provided with additional diagnostic assessments to~~
778 determine the nature of the student's difficulty, the areas of
779 academic need, and strategies for providing academic supports to
780 improve the student's performance ~~appropriate intervention and~~

781 ~~instruction as described in paragraph (b).~~ In accordance with a
782 district's K-12 comprehensive reading plan under s. 1011.62(9),
783 the district school board shall provide intensive instructional
784 and support services to students identified as having a
785 deficiency in reading in the following priority:

786 1. Students who are deficient in English language arts by
787 the end of grade 3.

788 2. Students who fail to meet performance levels required
789 for promotion consistent with the district school board's
790 criteria for student progression.

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

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

804 2. A schoolwide system of progress monitoring for all
805 students; or

806 3. An individualized progress monitoring plan.

807
808 ~~The plan chosen must be designed to assist the student or the~~
809 ~~school in meeting state and district expectations for~~
810 ~~proficiency. If the student has been identified as having a~~
811 ~~deficiency in reading, the K-12 comprehensive reading plan~~
812 ~~required by s. 1011.62(9) shall include instructional and~~
813 ~~support services to be provided to meet the desired levels of~~
814 ~~performance. District school boards may require low-performing~~
815 ~~students to attend remediation programs held before or after~~
816 ~~regular school hours or during the summer if transportation is~~
817 ~~provided.~~

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

827 (4) ~~(5)~~ READING DEFICIENCY AND PARENTAL NOTIFICATION.—

828 (a) Any student who exhibits a substantial deficiency in
829 reading, based upon locally determined or statewide assessments
830 conducted in kindergarten or grade 1, grade 2, or grade 3, or
831 through teacher observations, must be given intensive reading
832 instruction immediately following the identification of the

833 reading deficiency. The student's reading proficiency must be
834 monitored and the intensive instruction must continue until the
835 student demonstrates grade level proficiency in a manner
836 determined by the district, which may include achieving a Level
837 3 on the statewide, standardized English Language Arts
838 assessment reassessed by locally determined assessments or
839 through teacher observations at the beginning of the grade
840 following the intensive reading instruction. The student must
841 continue to be provided with intensive reading instruction until
842 the reading deficiency is remedied.

843 ~~(b) If a student's reading deficiency is not remedied by~~
844 ~~the end of grade 3, as demonstrated by scoring Level 2 or higher~~
845 ~~on the statewide, standardized assessment required under s.~~
846 ~~1008.22 for grade 3, the student must be retained.~~

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

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

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

854 3. A description of the intensive instruction ~~proposed~~
855 ~~supplemental instructional services~~ and supports that will be
856 provided to the child that are designed to remediate the
857 identified area of reading deficiency.

858 4. That if the child's reading deficiency is not

859 remediated by the end of grade 3, as demonstrated by meeting one
860 of the options in paragraph (5) (b), the child must be retained
861 unless he or she is exempt from mandatory retention for good
862 cause.

863 5. Strategies for parents to use in helping their child
864 succeed in reading proficiency, including a "Read at Home" plan.

865 6. That the statewide, standardized English Language Arts
866 assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not
867 the sole determiner of promotion and that additional options
868 ~~evaluations, portfolio reviews, and assessments~~ are available to
869 the child to assist parents and the school district in knowing
870 when a child is reading at or above grade level and ready for
871 grade promotion, including the options in paragraph (5) (b). A
872 parent of a student in grade 3 who is identified anytime during
873 the year as being at risk of retention may request that the
874 school immediately begin collecting evidence for a portfolio.

875 7. The district's specific criteria and policies for a
876 portfolio as provided in subparagraph (5) (b) 2. ~~(6) (b) 4.~~ and the
877 evidence required for a student to demonstrate reading skills
878 sufficient for promotion to grade 4 ~~mastery of Florida's~~
879 ~~academic standards for English Language Arts.~~ A parent of a
880 ~~student in grade 3 who is identified anytime during the year as~~
881 ~~being at risk of retention may request that the school~~
882 ~~immediately begin collecting evidence for a portfolio.~~

883 8. The district's specific criteria and policies for
884 midyear promotion. Midyear promotion means promotion of a

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885 retained student at any time during the year of retention once
886 the student has demonstrated ability to read at grade level.

887 ~~(5)-(6)~~ ELIMINATION OF SOCIAL PROMOTION.—

888 (a) No student may be assigned to a grade level based
889 solely on age or other factors that constitute social promotion.

890 (b) In order to be promoted to grade 4, a student must
891 score a Level 2 or higher on the statewide, standardized English
892 Language Arts assessment required under s. 1008.22 for grade 3.
893 If the student's reading deficiency is not remedied by the end
894 of grade 3, the student must be retained. A student who scores a
895 Level 1 on the statewide, standardized English Language Arts
896 assessment may demonstrate reading skills sufficient for
897 promotion to grade 4 either by:

898 1. Demonstrating an acceptable level of performance on an
899 alternative standardized reading or English Language Arts
900 assessment approved by the State Board of Education; or

901 2. Demonstrating through a student portfolio that he or
902 she is performing at least at Level 2 on the statewide,
903 standardized English Language Arts assessment.

904 ~~(c)-(b)~~ The district school board may only exempt students
905 from mandatory retention, as provided in paragraph (b) ~~(5)-(b)~~,
906 for good cause. A student who is promoted to grade 4 with a good
907 cause exemption shall be provided intensive reading instruction
908 and intervention that include specialized diagnostic information
909 and specific reading strategies to meet the needs of each
910 student so promoted. The school district shall assist schools

911 and teachers with the implementation of reading strategies ~~for~~
912 ~~students promoted with a good cause exemption which research has~~
913 ~~shown to be successful in improving reading among students who~~
914 ~~have reading difficulties.~~ Good cause exemptions are limited to
915 the following:

916 1. Limited English proficient students who have had less
917 than 2 years of instruction in an English for Speakers of Other
918 Languages program based on the initial date of entry into a
919 school in the United States.

920 2. Students with disabilities whose individual education
921 plan indicates that participation in the statewide assessment
922 program is not appropriate, consistent with the requirements of
923 s. 1008.212.

924 ~~3. Students who demonstrate an acceptable level of~~
925 ~~performance on an alternative standardized reading or English~~
926 ~~Language Arts assessment approved by the State Board of~~
927 ~~Education.~~

928 ~~4. A student who demonstrates through a student portfolio~~
929 ~~that he or she is performing at least at Level 2 on the~~
930 ~~statewide, standardized Reading assessment or, upon~~
931 ~~implementation, the English Language Arts assessment.~~

932 ~~3.5.~~ Students with disabilities who take the statewide,
933 standardized Reading assessment or, upon implementation, the
934 English Language Arts assessment and who have an individual
935 education plan or a Section 504 plan that reflects that the
936 student has received intensive instruction ~~remediation in~~

937 ~~reading or English Language Arts~~ for more than 2 years but still
938 demonstrates a deficiency and was previously retained in
939 kindergarten, grade 1, grade 2, or grade 3.

940 ~~4.6.~~ Students who have received intensive instruction and
941 supports ~~reading intervention~~ for 2 or more years but still
942 demonstrate a deficiency in reading and who were previously
943 retained in kindergarten, grade 1, grade 2, or grade 3 for a
944 total of 2 years. A student may not be retained more than once
945 in grade 3.

946 (d) Any decision to promote a student using an alternative
947 assessment under subparagraph (b)1., a student portfolio under
948 subparagraph (b)2., or a good cause exemption under paragraph
949 (c) must be made consistent with the following:

950 1. The student's teacher shall submit documentation to the
951 school principal indicating that the promotion of the student is
952 appropriate and is based upon the student's academic record. In
953 order to minimize paperwork requirements, such documentation
954 shall consist only of evidence related to the specific good
955 cause exemption requested, the student portfolio, or the
956 alternative assessment, as applicable.

957 2. The school principal shall review the recommendation
958 with the teacher and, if feasible, the student's parent and
959 determine whether the student should be promoted or retained
960 based upon the documentation provided by the teacher pursuant to
961 subparagraph 1. If the school principal determines that the
962 student should be promoted, the school principal shall make such

963 recommendation in writing to the district school superintendent.
964 The district school superintendent shall accept or reject the
965 school principal's recommendation in writing.

966 ~~7. Students who have received intensive remediation in~~
967 ~~reading or English Language Arts for 2 or more years but still~~
968 ~~demonstrate a deficiency and who were previously retained in~~
969 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~
970 ~~years. Intensive instruction for students so promoted must~~
971 ~~include an altered instructional day that includes specialized~~
972 ~~diagnostic information and specific reading strategies for each~~
973 ~~student. The district school board shall assist schools and~~
974 ~~teachers to implement reading strategies that research has shown~~
975 ~~to be successful in improving reading among low-performing~~
976 ~~readers.~~

977 ~~(c) Requests for good cause exemptions for students from~~
978 ~~the mandatory retention requirement as described in~~
979 ~~subparagraphs (b)3. and 4. shall be made consistent with the~~
980 ~~following:~~

981 ~~1. Documentation shall be submitted from the student's~~
982 ~~teacher to the school principal that indicates that the~~
983 ~~promotion of the student is appropriate and is based upon the~~
984 ~~student's academic record. In order to minimize paperwork~~
985 ~~requirements, such documentation shall consist only of the~~
986 ~~existing progress monitoring plan, individual educational plan,~~
987 ~~if applicable, report card, or student portfolio.~~

988 ~~2. The school principal shall review and discuss such~~

989 ~~recommendation with the teacher and make the determination as to~~
 990 ~~whether the student should be promoted or retained. If the~~
 991 ~~school principal determines that the student should be promoted,~~
 992 ~~the school principal shall make such recommendation in writing~~
 993 ~~to the district school superintendent. The district school~~
 994 ~~superintendent shall accept or reject the school principal's~~
 995 ~~recommendation in writing.~~

996 (6)~~(7)~~ SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 997 STUDENTS.—

998 (a) Each school district shall provide students retained
 999 under the provisions of paragraph (5) (b) with a highly effective
 1000 teacher as determined by the teacher's performance evaluation
 1001 under s. 1012.34 and intensive instruction and support necessary
 1002 for promotion to the next grade. The ~~must be provided intensive~~
 1003 ~~interventions in reading to ameliorate the student's specific~~
 1004 ~~reading deficiency, as identified by a valid and reliable~~
 1005 ~~diagnostic assessment. This intensive intervention must include~~
 1006 ~~effective instructional strategies, participation in the school~~
 1007 ~~district's summer reading camp, and appropriate teaching~~
 1008 ~~methodologies necessary to assist those students in becoming~~
 1009 ~~successful readers, able to read at or above grade level, and~~
 1010 ~~ready for promotion to the next grade.~~

1011 ~~(b) Each school district shall:~~

1012 ~~1. Provide third grade students who are retained under the~~
 1013 ~~provisions of paragraph (5) (b) with intensive instructional~~
 1014 ~~services and supports to remediate the identified areas of~~

1015 ~~reading deficiency, including~~ participation in the school
1016 district's summer reading camp and ~~as required under paragraph~~
1017 ~~(a) and~~ a minimum of 90 minutes of daily, uninterrupted,
1018 scientifically research-based reading instruction which includes
1019 phonemic awareness, phonics, fluency, vocabulary, and
1020 comprehension. and Other strategies may be identified in
1021 ~~prescribed by the school~~ district's K-12 comprehensive reading
1022 plan under s. 1011.62(9). ~~district, which may include, but are~~
1023 ~~not limited to:~~

1024 ~~a. Integration of science and social studies content~~
1025 ~~within the 90-minute block.~~

1026 ~~b. Small group instruction.~~

1027 ~~c. Reduced teacher student ratios.~~

1028 ~~d. More frequent progress monitoring.~~

1029 ~~e. Tutoring or mentoring.~~

1030 ~~f. Transition classes containing 3rd and 4th grade~~
1031 ~~students.~~

1032 ~~g. Extended school day, week, or year.~~

1033 (b) Each school district shall establish at each school,
1034 when applicable, an intensive reading acceleration course for
1035 any student retained in grade 3 who was previously retained in
1036 kindergarten, grade 1, or grade 2. The intensive reading
1037 acceleration course must provide all instruction and support
1038 included in the district's K-12 comprehensive reading plan as
1039 required by s. 1011.62(9)(c).

1040 (c) Each school district shall:

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1041 1.2. Provide written notification to the parent of a
1042 student who is retained under the provisions of paragraph (5) (b)
1043 that his or her child has not met the proficiency level required
1044 for promotion and the reasons the child is not eligible for a
1045 good cause exemption as provided in paragraph (5) (c) ~~(6) (b)~~. The
1046 notification must comply with the provisions of s. 1002.20(15)
1047 and must include a description of proposed interventions and
1048 supports that will be provided to the child to remediate the
1049 identified areas of reading deficiency.

1050 2.3. Implement a policy for the midyear promotion of a
1051 retained student who demonstrates satisfactory performance in
1052 reading and progress sufficient to master next-grade content
1053 standards based on criteria established by the district school
1054 board ~~student retained under the provisions of paragraph (5) (b)~~
1055 ~~who can demonstrate that he or she is a successful and~~
1056 ~~independent reader and performing at or above grade level in~~
1057 ~~reading or, upon implementation of English Language Arts~~
1058 ~~assessments, performing at or above grade level in English~~
1059 ~~Language Arts. Tools that school districts may use in~~
1060 ~~reevaluating a student retained may include subsequent~~
1061 ~~assessments, alternative assessments, and portfolio reviews, in~~
1062 ~~accordance with rules of the State Board of Education.~~

1063 ~~4.~~ ~~Provide students who are retained under the provisions~~
1064 ~~of paragraph (5) (b) with a highly effective teacher as~~
1065 ~~determined by the teacher's performance evaluation under s.~~
1066 ~~1012.34.~~

1067 ~~5. Establish at each school, when applicable, an Intensive~~
1068 ~~Acceleration Class for retained grade 3 students who~~
1069 ~~subsequently score Level 1 on the required statewide,~~
1070 ~~standardized assessment identified in s. 1008.22. The focus of~~
1071 ~~the Intensive Acceleration Class shall be to increase a child's~~
1072 ~~reading and English Language Arts skill level at least two grade~~
1073 ~~levels in 1 school year. The Intensive Acceleration Class shall:~~

1074 ~~a. Be provided to a student in grade 3 who scores Level 1~~
1075 ~~on the statewide, standardized Reading assessment or, upon~~
1076 ~~implementation, the English Language Arts assessment and who was~~
1077 ~~retained in grade 3 the prior year because of scoring Level 1.~~

1078 ~~b. Have a reduced teacher-student ratio.~~

1079 ~~e. Provide uninterrupted reading instruction for the~~
1080 ~~majority of student contact time each day and incorporate~~
1081 ~~opportunities to master the grade 4 Next Generation Sunshine~~
1082 ~~State Standards in other core subject areas.~~

1083 ~~d. Use a reading program that is scientifically research-~~
1084 ~~based and has proven results in accelerating student reading~~
1085 ~~achievement within the same school year.~~

1086 ~~e. Provide intensive language and vocabulary instruction~~
1087 ~~using a scientifically research-based program, including use of~~
1088 ~~a speech-language therapist.~~

1089 (7)~~(8)~~ ANNUAL REPORT.-

1090 (a) In addition to the requirements in paragraph (5) (b),
1091 each district school board must annually report to the parent of
1092 each student the progress of the student toward achieving state

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1093 and district expectations for proficiency in English language
1094 arts, reading, writing, science, social studies, and
1095 mathematics. The district school board must report to the parent
1096 the student's results on each statewide, standardized assessment
1097 ~~test~~. The evaluation of each student's progress must be based
1098 upon the student's classroom work, observations, tests, district
1099 and state assessments, and other relevant information. Progress
1100 reporting must be provided to the parent in writing in a format
1101 adopted by the district school board.

1102 (b) Each district school board must annually publish on
1103 the district website ~~and in the local newspaper~~ the following
1104 information on the prior school year:

1105 1. The provisions of this section relating to public
1106 school student progression and the district school board's
1107 policies and procedures on student retention and promotion.

1108 2. By grade, the number and percentage of all students in
1109 grades 3 through 10 performing at Levels 1 and 2 on the
1110 statewide, standardized English Language Arts assessment ~~reading~~
1111 ~~portion of the FCAT~~.

1112 3. By grade, the number and percentage of all students
1113 retained in kindergarten ~~grades 3~~ through grade 10.

1114 4. Information on the total number of students who were
1115 promoted using the alternative assessment under subparagraph
1116 (5)(b)1., using a student portfolio under subparagraph (5)(b)2.,
1117 or for good cause~~7~~ by each category of good cause as specified
1118 in paragraph (5)(c) ~~(6)(b)~~.

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1119 5. Any revisions to the district school board's policies
1120 and procedures ~~policy~~ on student retention and promotion from
1121 the prior year.

1122 ~~(8)(9)~~ RULEMAKING.—The State Board of Education shall
1123 adopt rules pursuant to ss. 120.536(1) and 120.54 for the
1124 administration of this section.

1125 Section 10. Subsection (3) of section 1008.30, Florida
1126 Statutes, is amended to read:

1127 1008.30 Common placement testing for public postsecondary
1128 education.—

1129 ~~(3) The State Board of Education shall adopt rules that~~
1130 ~~require high schools to evaluate before the beginning of grade~~
1131 ~~12 the college readiness of each student who scores Level 2 or~~
1132 ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~
1133 ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~
1134 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~
1135 ~~schools shall perform this evaluation using results from the~~
1136 ~~corresponding component of the common placement test prescribed~~
1137 ~~in this section, or an alternative test identified by the State~~
1138 ~~Board of Education. The high school shall use the results of the~~
1139 ~~test to advise the students of any identified deficiencies and~~
1140 ~~to provide 12th grade students, and require them to complete,~~
1141 ~~appropriate postsecondary preparatory instruction before high~~
1142 ~~school graduation. The curriculum provided under this subsection~~
1143 ~~shall be identified in rule by the State Board of Education and~~
1144 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~

1145 ~~elective courses may not be substituted for the selected~~
1146 ~~postsecondary mathematics, reading, writing, or English Language~~
1147 ~~Arts preparatory course unless the elective course covers the~~
1148 ~~same competencies included in the postsecondary mathematics,~~
1149 ~~reading, writing, or English Language Arts preparatory course.~~

1150 Section 11. Paragraph (f) of subsection (1) and subsection
1151 (9) of section 1011.62, Florida Statutes, are amended to read:

1152 1011.62 Funds for operation of schools.—If the annual
1153 allocation from the Florida Education Finance Program to each
1154 district for operation of schools is not determined in the
1155 annual appropriations act or the substantive bill implementing
1156 the annual appropriations act, it shall be determined as
1157 follows:

1158 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1159 OPERATION.—The following procedure shall be followed in
1160 determining the annual allocation to each district for
1161 operation:

1162 (f) Supplemental academic instruction; categorical fund.—

1163 1. There is created a categorical fund to provide
1164 supplemental academic instruction to students in kindergarten
1165 through grade 12. This paragraph may be cited as the
1166 "Supplemental Academic Instruction Categorical Fund."

1167 2. Categorical funds for supplemental academic instruction
1168 shall be allocated annually to each school district in the
1169 amount provided in the General Appropriations Act. These funds
1170 shall be in addition to the funds appropriated on the basis of

1171 FTE student membership in the Florida Education Finance Program
1172 and shall be included in the total potential funds of each
1173 district. These funds shall be used to provide supplemental
1174 academic instruction to students enrolled in the K-12 program
1175 which. ~~For the 2014-2015 fiscal year, each school district that~~
1176 ~~has one or more of the 300 lowest-performing elementary schools~~
1177 ~~based on the state reading assessment shall use these funds,~~
1178 ~~together with the funds provided in the district's research-~~
1179 ~~based reading instruction allocation and other available funds,~~
1180 ~~to provide an additional hour of instruction beyond the normal~~
1181 ~~school day for each day of the entire school year for intensive~~
1182 ~~reading instruction for the students in each of these schools.~~
1183 ~~This additional hour of instruction must be provided by teachers~~
1184 ~~or reading specialists who are effective in teaching reading or~~
1185 ~~by a K-5 mentoring reading program that is supervised by a~~
1186 ~~teacher who is effective at teaching reading. Students enrolled~~
1187 ~~in these schools who have level 5 assessment scores may~~
1188 ~~participate in the additional hour of instruction on an optional~~
1189 ~~basis. Exceptional student education centers shall not be~~
1190 ~~included in the 300 schools. After this requirement has been~~
1191 ~~met, supplemental instruction strategies may include, but is are~~
1192 ~~not limited to: modified curriculum, reading instruction, after-~~
1193 ~~school instruction, tutoring, mentoring, class size reduction,~~
1194 ~~extended school year, intensive skills development in summer~~
1195 ~~school, and other methods for improving student achievement.~~
1196 Supplemental instruction may be provided to a student in any

1197 manner and at any time during or beyond the regular 180-day term
 1198 identified by the school as being the most effective and
 1199 efficient way to best help that student progress from grade to
 1200 grade and to graduate.

1201 3. Effective with the 1999-2000 fiscal year, funding on
 1202 the basis of FTE membership beyond the 180-day regular term
 1203 shall be provided in the FEFP only for students enrolled in
 1204 juvenile justice education programs or in education programs for
 1205 juveniles placed in secure facilities or programs under s.
 1206 985.19. Funding for instruction beyond the regular 180-day
 1207 school year for all other K-12 students shall be provided
 1208 through the supplemental academic instruction categorical fund
 1209 and other state, federal, and local fund sources with ample
 1210 flexibility for schools to provide supplemental instruction to
 1211 assist students in progressing from grade to grade and
 1212 graduating.

1213 4. The Florida State University School, as a lab school,
 1214 is authorized to expend from its FEFP or Lottery Enhancement
 1215 Trust Fund allocation the cost to the student of remediation in
 1216 reading, writing, or mathematics for any graduate who requires
 1217 remediation at a postsecondary educational institution.

1218 5. Beginning in the 1999-2000 school year, dropout
 1219 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 1220 (b), and (c), and 1003.54 shall be included in group 1 programs
 1221 under subparagraph (d)3.

1222 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

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1223 (a) The research-based reading instruction allocation is
1224 created to provide comprehensive reading instruction to students
1225 in kindergarten through grade 12. ~~For the 2014-2015 fiscal year,~~
1226 ~~in each school district that has one or more of the 300 lowest-~~
1227 ~~performing elementary schools based on the state reading~~
1228 ~~assessment, priority shall be given to providing an additional~~
1229 ~~hour per day of intensive reading instruction beyond the normal~~
1230 ~~school day for each day of the entire school year for the~~
1231 ~~students in each school. Students enrolled in these schools who~~
1232 ~~have level 5 assessment scores may participate in the additional~~
1233 ~~hour of instruction on an optional basis. Exceptional student~~
1234 ~~education centers shall not be included in the 300 schools. The~~
1235 ~~intensive reading instruction delivered in this additional hour~~
1236 ~~and for other students shall include: research-based reading~~
1237 ~~instruction that has been proven to accelerate progress of~~
1238 ~~students exhibiting a reading deficiency; differentiated~~
1239 ~~instruction based on student assessment data to meet students'~~
1240 ~~specific reading needs; explicit and systematic reading~~
1241 ~~development in phonemic awareness, phonics, fluency, vocabulary,~~
1242 ~~and comprehension, with more extensive opportunities for guided~~
1243 ~~practice, error correction, and feedback; and the integration of~~
1244 ~~social studies, science, and mathematics-text reading, text~~
1245 ~~discussion, and writing in response to reading. For the 2012-~~
1246 ~~2013 and 2013-2014 fiscal years, a school district may not hire~~
1247 ~~more reading coaches than were hired during the 2011-2012 fiscal~~
1248 ~~year unless all students in kindergarten through grade 5 who~~

1249 ~~demonstrate a reading deficiency, as determined by district and~~
 1250 ~~state assessments, including students scoring Level 1 or Level 2~~
 1251 ~~on the statewide, standardized reading assessment or, upon~~
 1252 ~~implementation, the English Language Arts assessment, are~~
 1253 ~~provided an additional hour per day of intensive reading~~
 1254 ~~instruction beyond the normal school day for each day of the~~
 1255 ~~entire school year.~~

1256 (b) Funds for comprehensive, research-based reading
 1257 instruction shall be allocated annually to each school district
 1258 in the amount provided in the General Appropriations Act. Each
 1259 eligible school district shall receive the same minimum amount
 1260 as specified in the General Appropriations Act, and any
 1261 remaining funds shall be distributed to eligible school
 1262 districts based on each school district's proportionate share of
 1263 K-12 base funding.

1264 (c) Funds allocated under this subsection must be used to
 1265 provide a system of comprehensive reading instruction to
 1266 students enrolled in the K-12 programs, ~~which~~

1267 1. The comprehensive reading system may include the
 1268 following:

1269 ~~a.1.~~ The provision of an additional hour per day of
 1270 intensive reading instruction to students in the ~~300~~ lowest-
 1271 performing elementary schools by teachers and reading
 1272 specialists who are effective in teaching reading.

1273 ~~b.2.~~ Kindergarten through grade 5 reading intervention
 1274 teachers to provide intensive intervention during the school day

1275 and in the required extra hour for students identified as having
1276 a reading deficiency.

1277 ~~c.3.~~ The provision of highly qualified reading coaches to
1278 specifically support teachers in making instructional decisions
1279 based on student data, and improve teacher delivery of effective
1280 reading instruction, intervention, and reading in the content
1281 areas based on student need.

1282 ~~d.4.~~ Professional development for school district teachers
1283 in scientifically based reading instruction, including
1284 strategies to teach reading in content areas and with an
1285 emphasis on technical and informational text.

1286 ~~e.5.~~ The provision of summer reading camps for all
1287 students in kindergarten through grade 2 who demonstrate a
1288 reading deficiency as determined by district and state
1289 assessments, and students in grades 3 through 5 who score at
1290 Level 1 on the statewide, standardized reading assessment or,
1291 upon implementation, the English Language Arts assessment.

1292 ~~f.6.~~ The provision of supplemental instructional materials
1293 that are grounded in scientifically based reading research.

1294 ~~g.7.~~ The provision of intensive interventions for students
1295 in kindergarten through grade 12 who have been identified as
1296 having a reading deficiency or who are reading below grade level
1297 as determined by the statewide, standardized assessment.

1298 2. The intensive reading acceleration course under s.
1299 1008.25(6)(b) must provide the following:

1300 a. The integration of science and social studies content

1301 in a minimum of a 90-minute reading block.

1302 b. Small group instruction.

1303 c. Reduced teacher-student ratios.

1304 d. Tutoring, mentoring, or an extended school day, week,

1305 or year.

1306 e. Transition classes containing 3rd and 4th grade

1307 students.

1308 f. The use of a scientifically research-based reading

1309 program that has proven results in accelerating student reading

1310 achievement within the same school year.

1311 g. Intensive language and vocabulary instruction using a

1312 scientifically research-based program, including the use of a

1313 speech-language therapist if necessary.

1314 h. A "Read at Home" plan.

1315 (d) Annually, by a date determined by the Department of

1316 Education but before May 1, school districts shall submit a K-12

1317 comprehensive reading plan for the specific use of the research-

1318 based reading instruction allocation in the format prescribed by

1319 the department for review and approval by the Just Read,

1320 Florida! Office created pursuant to s. 1001.215. The plan

1321 annually submitted by school districts shall be deemed approved

1322 unless the department rejects the plan on or before June 1. If a

1323 school district and the Just Read, Florida! Office cannot reach

1324 agreement on the contents of the plan, the school district may

1325 appeal to the State Board of Education for resolution. School

1326 districts shall be allowed reasonable flexibility in designing

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1327 their plans and shall be encouraged to offer reading
1328 intervention through innovative methods, including career
1329 academies. The plan format shall be developed with input from
1330 school district personnel, including teachers and principals,
1331 and shall allow courses in core, career, and alternative
1332 programs that deliver intensive reading remediation through
1333 integrated curricula, provided that the teacher is deemed highly
1334 qualified to teach reading or working toward that status. No
1335 later than July 1 annually, the department shall release the
1336 school district's allocation of appropriated funds to those
1337 districts having approved plans. A school district that spends
1338 100 percent of this allocation on its approved plan shall be
1339 deemed to have been in compliance with the plan. The department
1340 may withhold funds upon a determination that reading instruction
1341 allocation funds are not being used to implement the approved
1342 plan. The department shall monitor and track the implementation
1343 of each district plan, including conducting site visits and
1344 collecting specific data on expenditures and reading improvement
1345 results. ~~By February 1 of each year,~~ The department shall
1346 regularly report its findings to the State Board of Education
1347 Legislature. At its first regularly scheduled meeting after
1348 August 1 of each year, the state board shall review the
1349 effectiveness of each district plan.

1350 Section 12. Section 1012.34, Florida Statutes, is amended
1351 to read:

1352 1012.34 Personnel evaluation procedures and criteria.—

1353 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—
 1354 (a) For the purpose of increasing student academic
 1355 performance by improving the quality of instructional,
 1356 administrative, and supervisory services in the public schools
 1357 of the state, the district school superintendent shall establish
 1358 procedures for evaluating the performance of duties and
 1359 responsibilities of all instructional, administrative, and
 1360 supervisory personnel employed by the school district. The
 1361 district school superintendent shall provide instructional
 1362 personnel the opportunity to review their class rosters for
 1363 accuracy and to correct any mistakes. The district school
 1364 superintendent shall report accurate class rosters for the
 1365 purpose of calculating district and statewide student
 1366 performance and annually report the evaluation results of
 1367 instructional personnel and school administrators to the
 1368 Department of Education in addition to the information required
 1369 under subsection (5).
 1370 (b) The department must approve each school district's
 1371 instructional personnel and school administrator evaluation
 1372 systems. The department shall monitor each district's
 1373 implementation of its instructional personnel and school
 1374 administrator evaluation systems for compliance with the
 1375 requirements of this section and ~~s. 1012.3401~~.
 1376 (c) Annually, by February ~~December~~ 1, the Commissioner of
 1377 Education shall publish on the department's website ~~report to~~
 1378 ~~the Governor, the President of the Senate, and the Speaker of~~

1379 ~~the House of Representatives the approval and implementation~~
 1380 status of each school district's instructional personnel and
 1381 school administrator evaluation systems. This information must
 1382 ~~The report shall include:~~

1383 1. Performance evaluation results for the prior school
 1384 year for instructional personnel and school administrators using
 1385 the four levels of performance specified in paragraph (2) (e).
 1386 The performance evaluation results for instructional personnel
 1387 shall be disaggregated by classroom teachers, as defined in s.
 1388 1012.01(2) (a), excluding substitute teachers, and all other
 1389 instructional personnel, as defined in s. 1012.01(2) (b)-(d).

1390 2. ~~The commissioner shall include in the report each~~
 1391 district's performance levels ~~performance-level standards~~
 1392 established under subsection (2). ~~(7).~~

1393 3. A comparative analysis of the district's student
 1394 academic performance results and evaluation results using the
 1395 performance levels adopted under subsection (8).

1396 4. Data reported under s. 1012.341. ~~and~~

1397 5. The status of any evaluation system revisions ~~requested~~
 1398 by a school district pursuant to subsection (6).

1399 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
 1400 for instructional personnel and school administrators must:

1401 (a) Be designed to support effective instruction and
 1402 student learning growth, and performance evaluation results must
 1403 be used when developing district and school level improvement
 1404 plans.

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1405 (b) Provide appropriate instruments, procedures, timely
1406 feedback, and criteria for continuous quality improvement of the
1407 professional skills of instructional personnel and school
1408 administrators, and performance evaluation results must be used
1409 when identifying professional development.

1410 (c) Include a mechanism to examine performance data from
1411 multiple sources, including opportunities for parents to provide
1412 input into employee performance evaluations when appropriate.

1413 (d) Identify those teaching fields for which special
1414 evaluation procedures and criteria are necessary.

1415 (e) Differentiate among four levels of performance as
1416 follows:

- 1417 1. Highly effective.
- 1418 2. Effective.
- 1419 3. Needs improvement or, for instructional personnel in
1420 the first 3 years of employment who need improvement,
1421 developing.
- 1422 4. Unsatisfactory.

1423
1424 ~~The Commissioner of Education shall consult with experts,~~
1425 ~~instructional personnel, school administrators, and education~~
1426 ~~stakeholders in developing the criteria for the performance~~
1427 ~~levels.~~

1428 (f) Provide for training and monitoring programs ~~that are~~
1429 based upon guidelines provided by the department to ensure that
1430 all individuals with evaluation responsibilities understand the

1431 proper use of the evaluation criteria and procedures.

1432 ~~(g) Include a process for monitoring and evaluating the~~
 1433 ~~effective and consistent use of the evaluation criteria by~~
 1434 ~~employees with evaluation responsibilities.~~

1435 ~~(h) Include a process for monitoring and evaluating the~~
 1436 ~~effectiveness of the system itself in improving instruction and~~
 1437 ~~student learning.~~

1438

1439 In addition, each district school board may establish a peer
 1440 assistance process. This process may be a part of the regular
 1441 evaluation system or used to assist employees placed on
 1442 performance probation, newly hired classroom teachers, or
 1443 employees who request assistance.

1444 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 1445 personnel and school administrator performance evaluations must
 1446 be based upon the performance of students assigned to their
 1447 classrooms or schools, as provided in this section. Pursuant to
 1448 this section, a school district's performance evaluation system
 1449 is not limited to basing unsatisfactory performance of
 1450 instructional personnel and school administrators solely upon
 1451 student performance, but may include other criteria ~~approved~~ to
 1452 evaluate instructional personnel and school administrators'
 1453 performance, or any combination of student performance and other
 1454 ~~approved~~ criteria. Evaluation procedures and criteria must
 1455 comply with, but are not limited to, the following:

1456 (a) A performance evaluation must be conducted for each

1457 employee at least once a year, except that a classroom teacher,
1458 as defined in s. 1012.01(2)(a), excluding substitute teachers,
1459 who is newly hired by the district school board must be observed
1460 and evaluated at least twice in the first year of teaching in
1461 the school district. The performance evaluation must be based
1462 upon sound educational principles and contemporary research in
1463 effective educational practices. The evaluation criteria must
1464 include:

1465 1. Performance of students.—At least one-third ~~50 percent~~
1466 of a performance evaluation must be based upon data and
1467 indicators of student performance ~~learning growth assessed~~
1468 ~~annually by statewide assessments or, for subjects and grade~~
1469 ~~levels not measured by statewide assessments, by school district~~
1470 ~~assessments as provided in s. 1008.22(6). Each school district~~
1471 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~
1472 ~~measuring student learning growth in all courses associated with~~
1473 ~~statewide assessments and must select an equally appropriate~~
1474 ~~formula for measuring student learning growth for all other~~
1475 ~~grades and subjects, except as otherwise provided in accordance~~
1476 with subsection (7).

1477 a. ~~For classroom teachers, as defined in s. 1012.01(2)(a),~~
1478 ~~excluding substitute teachers, the student learning growth~~ This
1479 portion of the evaluation must include growth or achievement
1480 data of the teacher's students or, for a school administrator,
1481 the students attending the school ~~for students assigned to the~~
1482 ~~teacher~~ over the course of at least 3 years. If less than 3

1483 years of data are available, the years for which data are
1484 available must be used. The proportion of growth or achievement
1485 data may be determined by instructional assignment and the
1486 ~~percentage of the evaluation based upon student learning growth~~
1487 ~~may be reduced to not less than 40 percent.~~

1488 b. ~~For instructional personnel who are not classroom~~
1489 ~~teachers, the student learning growth portion of the evaluation~~
1490 ~~must include growth data on statewide assessments for students~~
1491 ~~assigned to the instructional personnel over the course of at~~
1492 ~~least 3 years, or may include a combination of student learning~~
1493 ~~growth data and other measurable student outcomes that are~~
1494 ~~specific to the assigned position, provided that the student~~
1495 ~~learning growth data accounts for not less than 30 percent of~~
1496 ~~the evaluation. If less than 3 years of student growth data are~~
1497 ~~available, the years for which data are available must be used~~
1498 ~~and the percentage of the evaluation based upon student learning~~
1499 ~~growth may be reduced to not less than 20 percent.~~

1500 e. ~~For school administrators, the student learning growth~~
1501 ~~portion of the evaluation must include growth data for students~~
1502 ~~assigned to the school over the course of at least 3 years. If~~
1503 ~~less than 3 years of data are available, the years for which~~
1504 ~~data are available must be used and the percentage of the~~
1505 ~~evaluation based upon student learning growth may be reduced to~~
1506 ~~not less than 40 percent.~~

1507 2. Instructional practice. ~~For instructional personnel, at~~
1508 least one-third of the performance evaluation must be based upon

1509 instructional practice. Evaluation criteria used when annually
1510 observing classroom teachers, as defined in s. 1012.01(2)(a),
1511 excluding substitute teachers, must include indicators based
1512 upon each of the Florida Educator Accomplished Practices adopted
1513 by the State Board of Education. For instructional personnel who
1514 are not classroom teachers, evaluation criteria must be based
1515 upon indicators of the Florida Educator Accomplished Practices
1516 and may include specific job expectations related to student
1517 support.

1518 3. Instructional leadership.—For school administrators, at
1519 least one-third of the performance evaluation must be based on
1520 instructional leadership. Evaluation criteria for instructional
1521 leadership must include indicators based upon each of the
1522 leadership standards adopted by the State Board of Education
1523 under s. 1012.986, including performance measures related to the
1524 effectiveness of classroom teachers in the school, the
1525 administrator's appropriate use of evaluation criteria and
1526 procedures, recruitment and retention of effective and highly
1527 effective classroom teachers, improvement in the percentage of
1528 instructional personnel evaluated at the highly effective or
1529 effective level, and other leadership practices that result in
1530 student learning growth. The system may include a means to give
1531 parents and instructional personnel an opportunity to provide
1532 input into the administrator's performance evaluation.

1533 4. Other indicators of performance ~~Professional and job~~
1534 ~~responsibilities.~~ The remainder of a performance evaluation may

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1535 include, but is not limited to, ~~For instructional personnel and~~
1536 ~~school administrators, other~~ professional and job
1537 responsibilities ~~must be included~~ as recommended ~~adopted~~ by the
1538 State Board of Education or identified by the district school
1539 board and, for instructional personnel, peer reviews,
1540 objectively reliable survey information from students and
1541 parents based on teaching practices that are consistently
1542 associated with higher student achievement, and other valid and
1543 reliable measures of instructional practice. ~~The district school~~
1544 ~~board may identify additional professional and job~~
1545 ~~responsibilities.~~

1546 (b) All personnel must be fully informed of the criteria,
1547 data sources, methodologies, and procedures associated with the
1548 evaluation process before the evaluation takes place.

1549 (c) The individual responsible for supervising the
1550 employee must evaluate the employee's performance. The
1551 evaluation system may provide for the evaluator to consider
1552 input from other personnel trained under subsection (2)
1553 ~~paragraph (2)(f)~~. The evaluator must submit a written report of
1554 the evaluation to the district school superintendent for the
1555 purpose of reviewing the employee's contract. The evaluator must
1556 submit the written report to the employee no later than 10 days
1557 after the evaluation takes place. The evaluator must discuss the
1558 written evaluation report with the employee. The employee shall
1559 have the right to initiate a written response to the evaluation,
1560 and the response shall become a permanent attachment to his or

1561 her personnel file.

1562 (d) The evaluator may amend an evaluation based upon
1563 assessment data from the current school year if the data becomes
1564 available within 90 days after the close of the school year. The
1565 evaluator must then comply with the procedures set forth in
1566 paragraph (c).

1567 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
1568 employee who holds a professional service contract as provided
1569 in s. 1012.33 is not performing his or her duties in a
1570 satisfactory manner, the evaluator shall notify the employee in
1571 writing of such determination. The notice must describe such
1572 unsatisfactory performance and include notice of the following
1573 procedural requirements:

1574 (a) Upon delivery of a notice of unsatisfactory
1575 performance, the evaluator must confer with the employee who
1576 holds a professional service contract, make recommendations with
1577 respect to specific areas of unsatisfactory performance, and
1578 provide assistance in helping to correct deficiencies within a
1579 prescribed period of time.

1580 (b)1. The employee who holds a professional service
1581 contract shall be placed on performance probation and governed
1582 by the provisions of this section for 90 calendar days following
1583 the receipt of the notice of unsatisfactory performance to
1584 demonstrate corrective action. School holidays and school
1585 vacation periods are not counted when calculating the 90-
1586 calendar-day period. During the 90 calendar days, the employee

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1587 | who holds a professional service contract must be evaluated
1588 | periodically and apprised of progress achieved and must be
1589 | provided assistance and inservice training opportunities to help
1590 | correct the noted performance deficiencies. At any time during
1591 | the 90 calendar days, the employee who holds a professional
1592 | service contract may request a transfer to another appropriate
1593 | position with a different supervising administrator; however, if
1594 | a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),
1595 | it does not extend the period for correcting performance
1596 | deficiencies.

1597 | 2. Within 14 days after the close of the 90 calendar days,
1598 | the evaluator must evaluate whether the performance deficiencies
1599 | have been corrected and forward a recommendation to the district
1600 | school superintendent. Within 14 days after receiving the
1601 | evaluator's recommendation, the district school superintendent
1602 | must notify the employee who holds a professional service
1603 | contract in writing whether the performance deficiencies have
1604 | been satisfactorily corrected and whether the district school
1605 | superintendent will recommend that the district school board
1606 | continue or terminate his or her employment contract. If the
1607 | employee wishes to contest the district school superintendent's
1608 | recommendation, the employee must, within 15 days after receipt
1609 | of the district school superintendent's recommendation, submit a
1610 | written request for a hearing. The hearing shall be conducted at
1611 | the district school board's election in accordance with one of
1612 | the following procedures:

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1613 a. A direct hearing conducted by the district school board
1614 within 60 days after receipt of the written appeal. The hearing
1615 shall be conducted in accordance with the provisions of ss.
1616 120.569 and 120.57. A majority vote of the membership of the
1617 district school board shall be required to sustain the district
1618 school superintendent's recommendation. The determination of the
1619 district school board shall be final as to the sufficiency or
1620 insufficiency of the grounds for termination of employment; or

1621 b. A hearing conducted by an administrative law judge
1622 assigned by the Division of Administrative Hearings of the
1623 Department of Management Services. The hearing shall be
1624 conducted within 60 days after receipt of the written appeal in
1625 accordance with chapter 120. The recommendation of the
1626 administrative law judge shall be made to the district school
1627 board. A majority vote of the membership of the district school
1628 board shall be required to sustain or change the administrative
1629 law judge's recommendation. The determination of the district
1630 school board shall be final as to the sufficiency or
1631 insufficiency of the grounds for termination of employment.

1632 (5) ADDITIONAL NOTIFICATIONS.—The district school
1633 superintendent shall annually notify the department of any
1634 instructional personnel or school administrators who receive two
1635 consecutive unsatisfactory evaluations. The district school
1636 superintendent shall also notify the department of any
1637 instructional personnel or school administrators who are given
1638 written notice by the district of intent to terminate or not

1639 renew their employment. The department shall conduct an
 1640 investigation to determine whether action shall be taken against
 1641 the certificateholder pursuant to s. 1012.795.

1642 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
 1643 EVALUATION SYSTEMS.—The district school board shall establish a
 1644 procedure for annually reviewing instructional personnel and
 1645 school administrator evaluation systems to determine compliance
 1646 with this section ~~and s. 1012.3401~~. All substantial revisions to
 1647 an approved system must be reviewed and approved by the district
 1648 school board before being used to evaluate instructional
 1649 personnel or school administrators. Upon request by a school
 1650 district, the department shall provide assistance in developing,
 1651 improving, or reviewing an evaluation system.

1652 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1653 (a) The Commissioner of Education shall approve a formula
 1654 to measure individual student learning growth on the statewide,
 1655 standardized assessments in English Language Arts and
 1656 mathematics administered under s. 1008.22. The formula must take
 1657 into consideration each student's prior academic performance.
 1658 The formula must not set different expectations for student
 1659 learning growth based upon a student's gender, race, ethnicity,
 1660 or socioeconomic status. In the development of the formula, the
 1661 commissioner shall consider other factors such as a student's
 1662 attendance record, disability status, or status as an English
 1663 language learner. The commissioner may ~~shall~~ select additional
 1664 formulas to measure student performance as appropriate for the

1665 remainder of the statewide, standardized assessments included
1666 under s. 1008.22 and continue to select formulas as new
1667 assessments are implemented in the state system. After the
1668 commissioner approves the formula to measure individual student
1669 learning growth, the State Board of Education shall adopt these
1670 formulas in rule.

1671 (b) Each school district shall measure student learning
1672 growth using the formulas approved by the commissioner under
1673 paragraph (a) for courses associated with the statewide,
1674 standardized assessments administered under s. 1008.22 no later
1675 than the school year immediately following the year the formula
1676 is approved by the commissioner. For grades and subjects not
1677 assessed by statewide, standardized assessments ~~but otherwise~~
1678 ~~assessed as required under s. 1008.22(6)~~, each school district
1679 shall measure student performance ~~of students~~ using a
1680 methodology determined by the district. ~~The department shall~~
1681 ~~provide models for measuring performance of students which~~
1682 ~~school districts may adopt.~~

1683 ~~(c) For a course that is not measured by a statewide,~~
1684 ~~standardized assessment, a school district may request, through~~
1685 ~~the evaluation system approval process, to use a student's~~
1686 ~~achievement level rather than student learning growth if~~
1687 ~~achievement is demonstrated to be a more appropriate measure of~~
1688 ~~classroom teacher performance. A school district may also~~
1689 ~~request to use a combination of student learning growth and~~
1690 ~~achievement, if appropriate.~~

1691 ~~(d) For a course that is not measured by a statewide,~~
1692 ~~standardized assessment, a school district may request, through~~
1693 ~~the evaluation system approval process, that the performance~~
1694 ~~evaluation for the classroom teacher assigned to that course~~
1695 ~~include the learning growth of his or her students on one or~~
1696 ~~more statewide, standardized assessments. The request must~~
1697 ~~clearly explain the rationale supporting the request.~~

1698 ~~(e) For purposes of this section and only for the 2014-~~
1699 ~~2015 school year, a school district may use measurable learning~~
1700 ~~targets on local assessments administered under s. 1008.22(6) to~~
1701 ~~evaluate the performance of students portion of a classroom~~
1702 ~~teacher's evaluation for courses that are not assessed by~~
1703 ~~statewide, standardized assessments. Learning targets must be~~
1704 ~~approved by the school principal. A district school~~
1705 ~~superintendent may assign to instructional personnel in an~~
1706 ~~instructional team the student learning growth of the~~
1707 ~~instructional team's students on statewide assessments. This~~
1708 ~~paragraph expires July 1, 2015.~~

1709 (8) RULEMAKING.—The State Board of Education shall adopt
1710 rules pursuant to ss. 120.536(1) and 120.54 which establish
1711 uniform procedures and format for the submission, review, and
1712 approval of district evaluation systems and reporting
1713 requirements for the annual evaluation of instructional
1714 personnel and school administrators; specific, discrete
1715 standards for each performance level required under subsection
1716 (2) to ensure clear and sufficient differentiation in the

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1717 performance levels and to provide consistency in meaning across
1718 school districts; the measurement of student learning growth and
1719 associated implementation procedures required under subsection
1720 (7); and a process for monitoring school district implementation
1721 of evaluation systems in accordance with this section.

1722 ~~Specifically, the rules shall establish student performance~~
1723 ~~levels that if not met will result in the employee receiving an~~
1724 ~~unsatisfactory performance evaluation rating. In like manner,~~
1725 ~~the rules shall establish a student performance level that must~~
1726 ~~be met in order for an employee to receive a highly effective~~
1727 ~~rating and a student learning growth standard that must be met~~
1728 ~~in order for an employee to receive an effective rating.~~

1729 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED
1730 ASSESSMENTS.—Standards for each performance level required under
1731 subsection (2) shall be established by the State Board of
1732 Education beginning with the 2015-2016 school year.

1733 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
1734 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
1735 ~~rewards as provided for in the 2014 General Appropriations Act~~
1736 ~~for making outstanding progress toward educator effectiveness,~~
1737 ~~including implementation of instructional personnel salaries~~
1738 ~~based on performance results under s. 1012.34 and the use of~~
1739 ~~local assessment results in personnel evaluations when~~
1740 ~~statewide, standardized assessments are not administered.~~

1741 Section 13. Section 1012.3401, Florida Statutes, is
1742 repealed.

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1743 Section 14. Subsection (10) of section 1012.98, Florida
1744 Statutes, is amended to read:

1745 1012.98 School Community Professional Development Act.—

1746 (10) For instructional personnel ~~teachers, managers,~~ and
1747 administrative personnel who have been evaluated as less than
1748 effective ~~satisfactory~~, a district school board shall require
1749 participation in specific professional development programs as
1750 provided in subparagraph (4)(b)4. as part of the improvement
1751 prescription.

1752 Section 15. This act shall take effect upon becoming a
1753 law.