



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 purpose of the student assessment program to
18 include providing instructional personnel with certain
19 information when available; revising the grade levels
20 of students who must take the statewide, standardized
21 English Language Arts assessment; revising provisions
22 relating to end-of-course assessments; requiring that
23 all students enrolled in certain courses take the
24 statewide, standardized end-of-course assessment
25 associated with the course; prohibiting students who
26 take an end-of-course assessment for a course from



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



53 | plan; requiring each district school board to adopt
54 | criteria for student grade-level progression; revising
55 | provisions relating to support for certain students
56 | and student promotion from grade 3 to grade 4;
57 | requiring that certain information relating to student
58 | achievement be provided to instructional personnel
59 | when available; providing for intensive instruction
60 | for certain students; revising reporting requirements;
61 | amending s. 1008.30, F.S.; deleting a requirement for
62 | certain students to be evaluated for college
63 | readiness; amending s. 1008.36, F.S.; providing
64 | additional funds to certain schools through the
65 | Florida School Recognition Program under certain
66 | conditions; amending s. 1011.62, F.S.; revising
67 | requirements for the funding of a comprehensive
68 | reading instruction system, to include certain
69 | components for students in intensive reading
70 | acceleration courses; requiring the department to
71 | regularly report certain findings to the State Board
72 | of Education; requiring the state board to annually
73 | review the effectiveness of each school district's K-
74 | 12 comprehensive reading plan; amending s. 1012.34,
75 | F.S.; revising reporting requirements relating to
76 | school district personnel evaluation systems; revising
77 | evaluation criteria and requirements; revising
78 | provisions relating to the measurement of student



79 performance; deleting provisions relating to district
 80 bonus rewards for performance pay based on evaluation
 81 progress; repealing s. 1012.3401, F.S., relating to
 82 requirements for measuring student performance in
 83 instructional personnel and school administrator
 84 performance evaluations and performance evaluation of
 85 personnel for purposes of performance salary schedule;
 86 amending s. 1012.98, F.S.; revising provisions
 87 relating to personnel evaluation for purposes of
 88 professional development; providing effective dates.

89

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

91

92 Section 1. Paragraph (f) of subsection (4) of section
 93 1001.42, Florida Statutes, is amended to read:

94 1001.42 Powers and duties of district school board.—The
 95 district school board, acting as a board, shall exercise all
 96 powers and perform all duties listed below:

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

101 (f) Opening and closing of schools; fixing uniform date.—
 102 Adopt policies for the opening and closing of schools and fix
 103 uniform dates; however, ~~beginning with the 2007-2008 school~~
 104 ~~year,~~ the opening date for schools in the district may not be



CS/HB 7069, Engrossed 1

2015

105 earlier than August 10 ~~14 days before Labor Day~~ each year.

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

108 1002.20 K-12 student and parent rights.—Parents of public
109 school students must receive accurate and timely information
110 regarding their child's academic progress and must be informed
111 of ways they can help their child to succeed in school. K-12
112 students and their parents are afforded numerous statutory
113 rights including, but not limited to, the following:

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

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



CS/HB 7069, Engrossed 1

2015

131 1003.4156 General requirements for middle grades
132 promotion.—

133 ~~(2) If a middle grades student scores Level 1 or Level 2~~
134 ~~on the statewide, standardized Reading assessment or, when~~
135 ~~implemented, the English Language Arts (ELA) assessment, the~~
136 ~~following year the student must enroll in and complete a~~
137 ~~remedial course or a content area course in which remediation~~
138 ~~strategies are incorporated into course content delivery. The~~
139 ~~department shall provide guidance on appropriate strategies for~~
140 ~~diagnosing and meeting the varying instructional needs of~~
141 ~~students performing below grade level.~~

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

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

148 1003.4282 Requirements for a standard high school
149 diploma.—

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

151 ~~(a) Each year a student scores Level 1 or Level 2 on the~~
152 ~~statewide, standardized grade 9 or grade 10 Reading assessment~~
153 ~~or, when implemented, the grade 9, grade 10, or grade 11 ELA~~
154 ~~assessment, the student must be enrolled in and complete an~~
155 ~~intensive remedial course the following year or be placed in a~~
156 ~~content area course that includes remediation of skills not~~



CS/HB 7069, Engrossed 1

2015

157 ~~acquired by the student.~~

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

163 Section 5. Paragraph (a) of subsection (1) of section
164 1003.4285, Florida Statutes, is amended to read:

165 1003.4285 Standard high school diploma designations.—

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

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

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

175 1.2. Mathematics.—Earn one credit in Algebra II and one
176 credit in statistics or an equally rigorous course. Beginning
177 with students entering grade 9 in the 2014-2015 school year,
178 pass the Algebra II and Geometry statewide, standardized
179 assessments.

180 2.3. Science.—Pass the statewide, standardized Biology I
181 EOC assessment and earn one credit in chemistry or physics and
182 one credit in a course equally rigorous to chemistry or physics.



183 However, a student enrolled in an Advanced Placement (AP),
184 International Baccalaureate (IB), or Advanced International
185 Certificate of Education (AICE) Biology course who takes the
186 respective AP, IB, or AICE Biology assessment and earns the
187 minimum score necessary to earn college credit as identified
188 pursuant to s. 1007.27(2) meets the requirement of this
189 subparagraph without having to take the statewide, standardized
190 Biology I EOC assessment.

191 ~~3.4.~~ Social studies.—Pass the statewide, standardized
192 United States History EOC assessment. However, a student
193 enrolled in an AP, IB, or AICE course that includes United
194 States History topics who takes the respective AP, IB, or AICE
195 assessment and earns the minimum score necessary to earn college
196 credit as identified pursuant to s. 1007.27(2) meets the
197 requirement of this subparagraph without having to take the
198 statewide, standardized United States History EOC assessment.

199 ~~4.5.~~ Foreign language.—Earn two credits in the same
200 foreign language.

201 ~~5.6.~~ Electives.—Earn at least one credit in an Advanced
202 Placement, an International Baccalaureate, an Advanced
203 International Certificate of Education, or a dual enrollment
204 course.

205 Section 6. Paragraph (k) of subsection (2) of section
206 1003.621, Florida Statutes, is redesignated as paragraph (l),
207 and a new paragraph (k) is added to that subsection to read:

208 1003.621 Academically high-performing school districts.—It



209 is the intent of the Legislature to recognize and reward school
210 districts that demonstrate the ability to consistently maintain
211 or improve their high-performing status. The purpose of this
212 section is to provide high-performing school districts with
213 flexibility in meeting the specific requirements in statute and
214 rules of the State Board of Education.

215 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
216 high-performing school district shall comply with all of the
217 provisions in chapters 1000-1013, and rules of the State Board
218 of Education which implement these provisions, pertaining to the
219 following:

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

222 Section 7. Subsections (3), (4), and (6) of section
223 1008.22, Florida Statutes, are amended, subsections (7) through
224 (11) are renumbered as subsections (8) through (12),
225 respectively, paragraph (f) is added to subsection (1), and a
226 new subsection (7) is added to that section, to read:

227 1008.22 Student assessment program for public schools.—

228 (1) PURPOSE.—The primary purpose of the student assessment
229 program is to provide student academic achievement and learning
230 gains data to students, parents, teachers, school
231 administrators, and school district staff. This data is to be
232 used by districts to improve instruction; by students, parents,
233 and teachers to guide learning objectives; by education
234 researchers to assess national and international education



235 comparison data; and by the public to assess the cost benefit of
236 the expenditure of taxpayer dollars. The program must be
237 designed to:

238 (f) When available, provide instructional personnel with
239 information on student achievement of standards and benchmarks
240 in order to improve instruction.

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

260 (a) Statewide, standardized comprehensive assessments.—The



261 statewide, standardized Reading assessment shall be administered
262 annually in grades 3 through 10. The statewide, standardized
263 Writing assessment shall be administered annually at least once
264 at the elementary, middle, and high school levels. When the
265 Reading and Writing assessments are replaced by English Language
266 Arts (ELA) assessments, ELA assessments shall be administered to
267 students in grades 3 through 10 ~~11~~. Retake opportunities for the
268 grade 10 Reading assessment or, upon implementation, the grade
269 10 ELA assessment must be provided. Students taking the ELA
270 assessments shall not take the statewide, standardized
271 assessments in Reading or Writing. ELA assessments shall be
272 administered online. The statewide, standardized Mathematics
273 assessments shall be administered annually in grades 3 through
274 8. Students taking a revised Mathematics assessment shall not
275 take the discontinued assessment. The statewide, standardized
276 Science assessment shall be administered annually at least once
277 at the elementary and middle grades levels. In order to earn a
278 standard high school diploma, a student who has not earned a
279 passing score on the grade 10 Reading assessment or, upon
280 implementation, the grade 10 ELA assessment must earn a passing
281 score on the assessment retake or earn a concordant score as
282 authorized under subsection (8) ~~(7)~~.

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

286 1. EOC assessments for Algebra I, Geometry, Algebra II,



287 Biology I, United States History, and Civics shall be
288 administered to students enrolled in such courses as specified
289 in the course code directory ~~Statewide, standardized EOC~~
290 ~~assessments in mathematics shall be administered according to~~
291 ~~this subparagraph. Beginning with the 2010-2011 school year, all~~
292 ~~students enrolled in Algebra I must take the Algebra I EOC~~
293 ~~assessment. Except as otherwise provided in paragraph (c),~~
294 ~~beginning with students entering grade 9 in the 2011-2012 school~~
295 ~~year, a student who is enrolled in Algebra I must earn a passing~~
296 ~~score on the Algebra I EOC assessment or attain a comparative~~
297 ~~score as authorized under subsection (8) in order to earn a~~
298 ~~standard high school diploma. In order to earn a standard high~~
299 ~~school diploma, a student who has not earned a passing score on~~
300 ~~the Algebra I EOC assessment must earn a passing score on the~~
301 ~~assessment retake or a comparative score as authorized under~~
302 ~~subsection (8). Beginning with the 2011-2012 school year, all~~
303 ~~students enrolled in Geometry must take the Geometry EOC~~
304 ~~assessment. Middle grades students enrolled in Algebra I,~~
305 ~~Geometry, or Biology I must take the statewide, standardized EOC~~
306 ~~assessment for those courses and shall not take the~~
307 ~~corresponding subject and grade-level statewide, standardized~~
308 ~~assessment. When a statewide, standardized EOC assessment in~~
309 ~~Algebra II is administered, all students enrolled in Algebra II~~
310 ~~must take the EOC assessment. Pursuant to the commissioner's~~
311 ~~implementation schedule, student performance on the Algebra II~~
312 ~~EOC assessment constitutes 30 percent of a student's final~~



313 ~~course grade.~~

314 ~~2. Statewide, standardized EOC assessments in science~~
315 ~~shall be administered according to this subparagraph. Beginning~~
316 ~~with the 2011-2012 school year, all students enrolled in Biology~~
317 ~~I must take the Biology I EOC assessment. Beginning with~~
318 ~~students entering grade 9 in the 2013-2014 school year,~~
319 ~~performance on the Biology I EOC assessment constitutes 30~~
320 ~~percent of the student's final course grade.~~

321 2.3. Students enrolled in a course, as specified in the
322 course code directory, with an associated statewide,
323 standardized EOC assessment must take the EOC assessment for
324 such course and may not take the corresponding subject or grade-
325 level statewide, standardized assessment pursuant to paragraph
326 (a). Sections 1003.4156 and 1003.4282 govern the use of
327 statewide, standardized EOC assessment results for students
328 ~~Beginning with the 2013-2014 school year, each student's~~
329 ~~performance on the statewide, standardized middle grades Civics~~
330 ~~EOC assessment constitutes 30 percent of the student's final~~
331 ~~course grade in civics education.~~

332 3.4. The commissioner may select one or more nationally
333 developed comprehensive examinations, which may include
334 examinations for a College Board Advanced Placement course,
335 International Baccalaureate course, or Advanced International
336 Certificate of Education course, or industry-approved
337 examinations to earn national industry certifications identified
338 in the Industry Certification Funding List, for use as EOC



CS/HB 7069, Engrossed 1

2015

339 assessments under this paragraph if the commissioner determines
340 that the content knowledge and skills assessed by the
341 examinations meet or exceed the grade-level expectations for the
342 core curricular content established for the course in the Next
343 Generation Sunshine State Standards. Use of any such examination
344 as an EOC assessment must be approved by the state board in
345 rule.

346 ~~4.5.~~ Contingent upon funding provided in the General
347 Appropriations Act, including the appropriation of funds
348 received through federal grants, the commissioner may establish
349 an implementation schedule for the development and
350 administration of additional statewide, standardized EOC
351 assessments that must be approved by the state board in rule. If
352 approved by the state board, student performance on such
353 assessments constitutes 30 percent of a student's final course
354 grade.

355 ~~5.6.~~ All statewide, standardized EOC assessments must be
356 administered online except as otherwise provided in paragraph
357 (c).

358 (c) Students with disabilities; Florida Alternate
359 Assessment.—

360 1. Each district school board must provide instruction to
361 prepare students with disabilities in the core content knowledge
362 and skills necessary for successful grade-to-grade progression
363 and high school graduation.

364 2. A student with a disability, as defined in s. 1007.02,



365 for whom the individual education plan (IEP) team determines
366 that the statewide, standardized assessments under this section
367 cannot accurately measure the student's abilities, taking into
368 consideration all allowable accommodations, shall have
369 assessment results waived for the purpose of receiving a course
370 grade and a standard high school diploma. Such waiver shall be
371 designated on the student's transcript. The statement of waiver
372 shall be limited to a statement that performance on an
373 assessment was waived for the purpose of receiving a course
374 grade or a standard high school diploma, as applicable.

375 3. The State Board of Education shall adopt rules, based
376 upon recommendations of the commissioner, for the provision of
377 assessment accommodations for students with disabilities and for
378 students who have limited English proficiency.

379 a. Accommodations that negate the validity of a statewide,
380 standardized assessment are not allowed during the
381 administration of the assessment. However, instructional
382 accommodations are allowed in the classroom if identified in a
383 student's IEP. Students using instructional accommodations in
384 the classroom that are not allowed on a statewide, standardized
385 assessment may have assessment results waived if the IEP team
386 determines that the assessment cannot accurately measure the
387 student's abilities.

388 b. If a student is provided with instructional
389 accommodations in the classroom that are not allowed as
390 accommodations for statewide, standardized assessments, the



391 district must inform the parent in writing and provide the
392 parent with information regarding the impact on the student's
393 ability to meet expected performance levels. A parent must
394 provide signed consent for a student to receive classroom
395 instructional accommodations that would not be available or
396 permitted on a statewide, standardized assessment and
397 acknowledge in writing that he or she understands the
398 implications of such instructional accommodations.

399 c. If a student's IEP states that online administration of
400 a statewide, standardized assessment will significantly impair
401 the student's ability to perform, the assessment shall be
402 administered in hard copy.

403 4. For students with significant cognitive disabilities,
404 the Department of Education shall provide for implementation of
405 the Florida Alternate Assessment to accurately measure the core
406 curricular content established in the Next Generation Sunshine
407 State Standards.

408 (d) Implementation schedule.—

409 1. The Commissioner of Education shall establish and
410 publish on the department's website an implementation schedule
411 to transition from the statewide, standardized Reading and
412 Writing assessments to the ELA assessments and to the revised
413 Mathematics assessments, including the Algebra I and Geometry
414 EOC assessments. The schedule must take into consideration
415 funding, sufficient field and baseline data, access to
416 assessments, instructional alignment, and school district



417 readiness to administer the assessments online.

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

423 (e) Assessment scores and achievement levels.—

424 1. All statewide, standardized EOC assessments and ELA,
425 Mathematics ~~Reading, Writing,~~ and Science assessments shall use
426 scaled scores and achievement levels. Achievement levels shall
427 range from 1 through 5, with level 1 being the lowest
428 achievement level, level 5 being the highest achievement level,
429 and level 3 indicating satisfactory performance on an
430 assessment. ~~For purposes of the statewide, standardized Writing~~
431 ~~assessment, student achievement shall be scored using a scale of~~
432 ~~1 through 6.~~

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

435 3. If the commissioner seeks to revise a statewide,
436 standardized assessment and the revisions require the state
437 board to modify performance level scores, including the passing
438 score, the commissioner shall provide a copy of the proposed
439 scores and implementation plan to the President of the Senate
440 and the Speaker of the House of Representatives at least 90 days
441 before submission to the state board for review. Until the state
442 board adopts the modifications by rule, the commissioner shall



443 use calculations for scoring the assessment that adjust student
444 scores on the revised assessment for statistical equivalence to
445 student scores on the former assessment. The state board shall
446 adopt by rule the passing score for the revised assessment that
447 is statistically equivalent to the passing score on the
448 discontinued assessment for a student who is required to attain
449 a passing score on the discontinued assessment. The commissioner
450 may, with approval of the state board, discontinue
451 administration of the former assessment upon the graduation,
452 based on normal student progression, of students participating
453 in the final regular administration of the former assessment. If
454 the commissioner revises a statewide, standardized assessment
455 and the revisions require the state board to modify the passing
456 score, only students taking the assessment for the first time
457 after the rule is adopted are affected.

458 ~~(f) Assessment schedules and reporting of results. The~~
459 ~~Commissioner of Education shall establish schedules for the~~
460 ~~administration of assessments and the reporting of student~~
461 ~~assessment results. The commissioner shall consider the~~
462 ~~observance of religious and school holidays when developing the~~
463 ~~schedule. By August 1 of each year, the commissioner shall~~
464 ~~notify each school district in writing and publish on the~~
465 ~~department's website the assessment and reporting schedules for,~~
466 ~~at a minimum, the school year following the upcoming school~~
467 ~~year. The assessment and reporting schedules must provide the~~
468 ~~earliest possible reporting of student assessment results to the~~



CS/HB 7069, Engrossed 1

2015

469 ~~school districts. Assessment results for the statewide,~~
470 ~~standardized Reading assessments, or upon implementation the ELA~~
471 ~~assessments, and Mathematics assessments, including the EOC~~
472 ~~assessments in Algebra I and Geometry, must be made available no~~
473 ~~later than the week of June 8. The administration of the~~
474 ~~statewide, standardized Writing assessment and the Florida~~
475 ~~Alternate Assessment may be no earlier than the week of March 1.~~
476 ~~School districts shall administer assessments in accordance with~~
477 ~~the schedule established by the commissioner.~~

478 (f) ~~(g)~~ Prohibited activities.—A district school board
479 shall prohibit each public school from suspending a regular
480 program of curricula for purposes of administering practice
481 assessments or engaging in other assessment-preparation
482 activities for a statewide, standardized assessment. However, a
483 district school board may authorize a public school to engage in
484 the following assessment-preparation activities:

485 1. Distributing to students sample assessment books and
486 answer keys published by the Department of Education.

487 2. Providing individualized instruction in assessment-
488 taking strategies, without suspending the school's regular
489 program of curricula, for a student who scores Level 1 or Level
490 2 on a prior administration of an assessment.

491 3. Providing individualized instruction in the content
492 knowledge and skills assessed, without suspending the school's
493 regular program of curricula, for a student who scores Level 1
494 or Level 2 on a prior administration of an assessment or a



CS/HB 7069, Engrossed 1

2015

495 student who, through a diagnostic assessment administered by the
496 school district, is identified as having a deficiency in the
497 content knowledge and skills assessed.

498 4. Administering a practice assessment or engaging in
499 other assessment-preparation activities that are determined
500 necessary to familiarize students with the organization of the
501 assessment, the format of assessment items, and the assessment
502 directions or that are otherwise necessary for the valid and
503 reliable administration of the assessment, as set forth in rules
504 adopted by the State Board of Education with specific reference
505 to this paragraph.

506 (g) ~~(h)~~ Contracts for assessments.—The commissioner shall
507 provide for the assessments to be developed or obtained, as
508 appropriate, through contracts and project agreements with
509 private vendors, public vendors, public agencies, postsecondary
510 educational institutions, or school districts. The commissioner
511 may enter into contracts for the continued administration of the
512 assessments authorized and funded by the Legislature. Contracts
513 may be initiated in 1 fiscal year and continue into the next
514 fiscal year and may be paid from the appropriations of either or
515 both fiscal years. The commissioner may negotiate for the sale
516 or lease of tests, scoring protocols, test scoring services, and
517 related materials developed pursuant to law.

518 (4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED
519 ASSESSMENT PROGRAM PROGRAMS.—Each public school shall
520 participate in the statewide, standardized assessment program in



521 accordance with the assessment and reporting schedules and the
522 minimum and recommended technology requirements published by the
523 Commissioner of Education. District school boards shall not
524 establish school calendars that conflict with or jeopardize
525 implementation of the assessment program. All district school
526 boards shall report assessment results using ~~as required by~~ the
527 state management information system. Performance data shall be
528 analyzed and reported to parents, the community, and the state.
529 Student performance data shall be used by districts in
530 developing objectives for the school improvement plan,
531 evaluating instructional personnel and administrative personnel,
532 assigning staff, allocating resources, acquiring instructional
533 materials and technology, implementing performance-based
534 budgeting, and promoting and assigning students to educational
535 programs. The analysis of student performance data must also
536 identify strengths and needs in the educational program and
537 trends over time. The analysis must be used in conjunction with
538 the budgetary planning processes developed pursuant to s.
539 1008.385 and the development of remediation programs.

540 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
541 STANDARDS ASSESSMENTS.—

542 (a) Measurement of student performance is the
543 responsibility of school districts ~~in all subjects and grade~~
544 ~~levels,~~ except in those subjects and grade levels measured under
545 the statewide, standardized assessment program described in this
546 section, ~~is the responsibility of the school districts.~~ When



547 available, instructional personnel must be provided with
548 information on student achievement of standards and benchmarks
549 in order to improve instruction.

550 ~~(b) Except for those subjects and grade levels measured~~
551 ~~under the statewide, standardized assessment program, beginning~~
552 ~~with the 2014-2015 school year, each school district shall~~
553 ~~administer for each course offered in the district a local~~
554 ~~assessment that measures student mastery of course content at~~
555 ~~the necessary level of rigor for the course. As adopted pursuant~~
556 ~~to State Board of Education rule, course content is set forth in~~
557 ~~the state standards required by s. 1003.41 and in the course~~
558 ~~description. Local assessments may include:~~

559 ~~1. Statewide assessments.~~

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

562 ~~3. Industry certification assessments.~~

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

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

566 ~~(c) Each district school board must adopt policies for~~
567 ~~selection, development, administration, and scoring of local~~
568 ~~assessments and for collection of assessment results. Local~~
569 ~~assessments implemented under subparagraphs (b) 4. and 5. may~~
570 ~~include a variety of assessment formats, including, but not~~
571 ~~limited to, project-based assessments, adjudicated performances,~~
572 ~~and practical application assignments. For all English Language~~



573 ~~Arts, mathematics, science, and social studies courses offered~~
574 ~~in the district that are used to meet graduation requirements~~
575 ~~under s. 1002.3105, s. 1003.4281, or s. 1003.4282 and that are~~
576 ~~not otherwise assessed by statewide, standardized assessments,~~
577 ~~the district school board must select the assessments described~~
578 ~~in subparagraphs (b)1.-4.~~

579 (b)(d) The Commissioner of Education shall identify
580 methods to assist and support districts in measuring student
581 performance on the state standards by maintaining a statewide
582 ~~the development and acquisition of assessments required under~~
583 ~~this subsection. Methods may include developing item bank banks,~~
584 ~~facilitating the sharing of developed tests or test items among~~
585 ~~school districts, acquiring assessments from state and national~~
586 ~~curriculum-area organizations, and providing technical~~
587 ~~assistance in best assessment professional practices. The~~
588 commissioner may discontinue the item bank if he or she
589 determines that district participation is insufficient for its
590 sustainability of test development based upon state-adopted
591 ~~curriculum standards, administration, and security.~~

592 ~~(c) Each school district shall establish schedules for the~~
593 ~~administration of any district-mandated assessment and approve~~
594 ~~the schedules as an agenda item at a district school board~~
595 ~~meeting. The school district shall publish the testing schedules~~
596 ~~on its website, clearly specifying the district-mandated~~
597 ~~assessments, and report the schedules to the Department of~~
598 ~~Education by October 1 of each year.~~



599 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—
600 (a) The Commissioner of Education shall establish
601 schedules for the administration of statewide, standardized
602 assessments and the reporting of student assessment results. The
603 commissioner shall consider the observance of religious and
604 school holidays when developing the schedules. The assessment
605 and reporting schedules must provide the earliest possible
606 reporting of student assessment results to the school districts.
607 Assessment results for the statewide, standardized ELA and
608 Mathematics assessments and all statewide, standardized EOC
609 assessments must be made available no later than the week of
610 June 8, except for results of assessments administered in the
611 2014-2015 school year. School districts shall administer
612 statewide, standardized assessments in accordance with the
613 schedule established by the commissioner.
614 (b) By August of each year, beginning in 2016, the
615 commissioner shall publish on the department's website a uniform
616 calendar that includes the assessment and reporting schedules
617 for, at a minimum, the next 2 school years. The uniform calendar
618 must be provided to school districts in an electronic format
619 that allows each school district and public school to populate
620 the calendar with, at minimum, the following information for
621 reporting the district assessment schedules under paragraph (c):
622 1. Whether the assessment is a district-required
623 assessment or a state-required assessment.
624 2. The specific date or dates that each assessment will be



625 administered.

626 3. The time allotted to administer each assessment.

627 4. Whether the assessment is a computer-based assessment
628 or a paper-based assessment.

629 5. The grade level or subject area associated with the
630 assessment.

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

633 7. The type of assessment, the purpose of the assessment,
634 and the use of the assessment results.

635 8. A glossary of assessment terminology.

636 (c) Each school district shall establish schedules for the
637 administration of any statewide, standardized assessments and
638 district-required assessments and approve the schedules as an
639 agenda item at a district school board meeting. Each school
640 district shall publish the testing schedules on its website
641 using the uniform calendar, including all information required
642 under paragraph (b), and submit the schedules to the Department
643 of Education by October 1 of each year. Each public school shall
644 publish schedules for statewide, standardized assessments and
645 district-required assessments on its website using the uniform
646 calendar, including all information required under paragraph
647 (b). The uniform calendar must be included in the parent guide
648 required by s. 1002.23(5).

649 (d) A statewide, standardized EOC assessment must be used
650 as the final cumulative examination for its associated course.



651 No additional final assessment may be administered in a course
652 with a statewide, standardized EOC assessment. A district-
653 required local assessment may be used as the final cumulative
654 examination for its associated course in accordance with the
655 school district's policy.

656 (e) A subject-area or grade-level teacher whose student
657 takes a district-required local assessment must be provided the
658 student's results in a timely manner to inform instruction.
659 Thereafter, assessment results must be provided to the student's
660 parent in a timely manner.

661 (f) The State Board of Education shall adopt rules for the
662 development of the uniform calendar that, at minimum, define
663 terms that must be used in the calendar to describe various
664 assessments, including the terms "summative assessment,"
665 "formative assessment," and "interim assessment."

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

668 1008.24 Test administration and security; public records
669 exemption.—

670 (3) (a) A school district may contract with qualified
671 contractors to administer and proctor statewide, standardized
672 assessments required under s. 1008.22 or assessments associated
673 with Florida-approved ~~Florida approved~~ courses under s.
674 1003.499, as approved by the Department of Education in
675 accordance with rules of the State Board of Education.
676 Assessments may be administered or proctored by qualified



CS/HB 7069, Engrossed 1

2015

677 contractors at sites that meet criteria established by rules of
678 the State Board of Education and adopted pursuant to ss.
679 120.536(1) and 120.54 to implement the contracting requirements
680 of this subsection.

681 (b) A school district may use district employees, such as
682 education paraprofessionals as described in s. 1012.37, to
683 administer and proctor statewide, standardized assessments
684 required under s. 1008.22 or assessments associated with
685 Florida-approved courses under s. 1003.499, in accordance with
686 this section and related rules adopted by the State Board of
687 Education.

688 Section 9. Section 1008.25, Florida Statutes, is amended
689 to read:

690 1008.25 Public school student progression; student support
691 ~~remedial instruction~~; reporting requirements.—

692 (1) INTENT.—It is the intent of the Legislature that each
693 student's progression from one grade to another be determined,
694 in part, upon satisfactory performance in English language arts,
695 social studies, ~~reading, writing,~~ science, and mathematics; that
696 district school board policies facilitate student achievement;
697 that each student and his or her parent be informed of that
698 student's academic progress; and that students have access to
699 educational options that provide academically challenging
700 coursework or accelerated instruction pursuant to s. 1002.3105.

701 (2) ~~COMPREHENSIVE STUDENT PROGRESSION PLAN.~~—Each district
702 school board shall adopt criteria for a student's progression



703 from one grade to another based on the student's mastery of the
704 standards in s. 1003.41, specifically English language arts,
705 mathematics, science, and social studies standards. The criteria
706 must emphasize student reading proficiency in kindergarten
707 through grade 3 in accordance with the district's K-12
708 comprehensive reading plan under s. 1011.62(9) and provide
709 targeted instructional support for students with identified
710 deficiencies in English language arts, mathematics, science, and
711 social studies. High schools shall use all available assessment
712 results, including the results of statewide, standardized
713 English Language Arts assessments and end-of-course assessments
714 for Algebra I and Geometry, to advise students of any identified
715 deficiencies and to provide appropriate postsecondary
716 preparatory instruction before high school graduation. The
717 results of evaluations used to monitor a student's progress in
718 grades K-12 must be provided to the student's teacher in a
719 timely manner. Thereafter, evaluation results must be provided
720 to the student's parent in a timely manner. When available,
721 instructional personnel must be provided with information on
722 student achievement of standards and benchmarks in order to
723 improve instruction. The criteria must also address the
724 following options: acceleration, whole-grade and midyear
725 promotion, early graduation, dual enrollment, the progressive
726 use of digital tools and applications, and virtual instruction.
727 Parents must be notified of a district's progression criteria as
728 part of the parent guide required by s. 1002.23(5) ~~establish a~~



729 ~~comprehensive plan for student progression which must:~~
730 ~~(a) Provide standards for evaluating each student's~~
731 ~~performance, including how well he or she masters the~~
732 ~~performance standards approved by the State Board of Education.~~
733 ~~(b) Provide specific levels of performance in reading,~~
734 ~~writing, science, and mathematics for each grade level,~~
735 ~~including the levels of performance on statewide assessments as~~
736 ~~defined by the commissioner, below which a student must receive~~
737 ~~remediation or be retained within an intensive program that is~~
738 ~~different from the previous year's program and that takes into~~
739 ~~account the student's learning style.~~
740 ~~(c) Provide appropriate alternative placement for a~~
741 ~~student who has been retained 2 or more years.~~
742 ~~(d)1. List the student eligibility and procedural~~
743 ~~requirements established by the school district for whole-grade~~
744 ~~promotion, midyear promotion, and subject-matter acceleration~~
745 ~~that would result in a student attending a different school,~~
746 ~~pursuant to s. 1002.3105(2)(b).~~
747 ~~2. Notify parents and students of the school district's~~
748 ~~process by which a parent may request student participation in~~
749 ~~whole-grade promotion, midyear promotion, or subject-matter~~
750 ~~acceleration that would result in a student attending a~~
751 ~~different school, pursuant to s. 1002.3105(4)(b)2.~~
752 ~~(e)1. Advise parents and students that additional ACCEL~~
753 ~~options may be available at the student's school, pursuant to s.~~
754 ~~1002.3105.~~



755 ~~2. Advise parents and students to contact the principal at~~
756 ~~the student's school for information related to student~~
757 ~~eligibility requirements for whole grade promotion, midyear~~
758 ~~promotion, and subject-matter acceleration when the promotion or~~
759 ~~acceleration occurs within the principal's school; virtual~~
760 ~~instruction in higher grade level subjects; and any other ACCEL~~
761 ~~options offered by the principal, pursuant to s.~~
762 ~~1002.3105(2)(a).~~

763 ~~3. Advise parents and students to contact the principal at~~
764 ~~the student's school for information related to the school's~~
765 ~~process by which a parent may request student participation in~~
766 ~~whole grade promotion, midyear promotion, and subject-matter~~
767 ~~acceleration when the promotion or acceleration occurs within~~
768 ~~the principal's school; virtual instruction in higher grade~~
769 ~~level subjects; and any other ACCEL options offered by the~~
770 ~~principal, pursuant to s. 1002.3105(4)(b)1.~~

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

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

776 ~~(h) Provide instructional sequences by which students in~~
777 ~~kindergarten through high school may attain progressively higher~~
778 ~~levels of skill in the use of digital tools and applications.~~
779 ~~The instructional sequences must include participation in~~
780 ~~curricular and instructional options and the demonstration of~~



781 ~~competence of standards required pursuant to ss. 1003.41 and~~
782 ~~1003.4203 through attainment of industry certifications and~~
783 ~~other means of demonstrating credit requirements identified~~
784 ~~under ss. 1002.3105, 1003.4203, and 1003.4282.~~

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

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

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

793 ~~(3)(4) ASSESSMENT AND SUPPORT REMEDIATION.-~~

794 (a) Each student must participate in the statewide,
795 standardized assessment program required by s. 1008.22. Each
796 student who does not achieve a meet ~~specific levels of~~
797 ~~performance on the required assessments as determined by the~~
798 ~~district school board or who scores below Level 3~~ or above ~~on~~
799 ~~the statewide, standardized Reading assessment or, upon~~
800 ~~implementation, the English Language Arts assessment, or on the~~
801 ~~statewide, standardized Mathematics~~ assessment, or assessments
802 ~~in grades 3 through 8 and the Algebra I EOC assessment must be~~
803 evaluated ~~provided with additional diagnostic assessments to~~
804 ~~determine the nature of the student's difficulty, the areas of~~
805 ~~academic need, and strategies for~~ providing academic supports to
806 improve the student's performance ~~appropriate intervention and~~



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

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

814 2. Students who fail to meet performance levels required
815 for promotion consistent with the district school board's
816 criteria for student progression.

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

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

830 2. A schoolwide system of progress monitoring for all
831 students; or

832 3. An individualized progress monitoring plan.



833
834 ~~The plan chosen must be designed to assist the student or the~~
835 ~~school in meeting state and district expectations for~~
836 ~~proficiency. If the student has been identified as having a~~
837 ~~deficiency in reading, the K-12 comprehensive reading plan~~
838 ~~required by s. 1011.62(9) shall include instructional and~~
839 ~~support services to be provided to meet the desired levels of~~
840 ~~performance. District school boards may require low-performing~~
841 ~~students to attend remediation programs held before or after~~
842 ~~regular school hours or during the summer if transportation is~~
843 ~~provided.~~

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

853 (4) ~~(5)~~ READING DEFICIENCY AND PARENTAL NOTIFICATION.

854 (a) Any student who exhibits a substantial deficiency in
855 reading, based upon locally determined or statewide assessments
856 conducted in kindergarten or grade 1, grade 2, or grade 3, or
857 through teacher observations, must be given intensive reading
858 instruction immediately following the identification of the



859 reading deficiency. The student's reading proficiency must be
860 monitored and the intensive instruction must continue until the
861 student demonstrates grade level proficiency in a manner
862 determined by the district, which may include achieving a Level
863 3 on the statewide, standardized English Language Arts
864 assessment ~~reassessed by locally determined assessments or~~
865 ~~through teacher observations at the beginning of the grade~~
866 ~~following the intensive reading instruction. The student must~~
867 ~~continue to be provided with intensive reading instruction until~~
868 ~~the reading deficiency is remedied.~~

869 ~~(b) If a student's reading deficiency is not remedied by~~
870 ~~the end of grade 3, as demonstrated by scoring Level 2 or higher~~
871 ~~on the statewide, standardized assessment required under s.~~
872 ~~1008.22 for grade 3, the student must be retained.~~

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

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

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

880 3. A description of the intensive instruction ~~proposed~~
881 ~~supplemental instructional services~~ and supports that will be
882 provided to the child that are designed to remediate the
883 identified area of reading deficiency.

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



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

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

891 6. That the statewide, standardized English Language Arts
892 assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not
893 the sole determiner of promotion and that additional options
894 ~~evaluations, portfolio reviews, and assessments~~ are available to
895 the child to assist parents and the school district in knowing
896 when a child is reading at or above grade level and ready for
897 grade promotion, including the options in paragraph (5) (b). A
898 parent of a student in grade 3 who is identified anytime during
899 the year as being at risk of retention may request that the
900 school immediately begin collecting evidence for a portfolio.

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

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



CS/HB 7069, Engrossed 1

2015

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

913 (5) ~~(6)~~ ELIMINATION OF SOCIAL PROMOTION.—

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

916 (b) In order to be promoted to grade 4, a student must
917 score a Level 2 or higher on the statewide, standardized English
918 Language Arts assessment required under s. 1008.22 for grade 3.
919 If the student's reading deficiency is not remedied by the end
920 of grade 3, the student must be retained. A student who scores a
921 Level 1 on the statewide, standardized English Language Arts
922 assessment may demonstrate reading skills sufficient for
923 promotion to grade 4 either by:

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

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

930 (c) ~~(b)~~ The district school board may only exempt students
931 from mandatory retention, as provided in paragraph (b) ~~(5)~~ ~~(b)~~,
932 for good cause. A student who is promoted to grade 4 with a good
933 cause exemption shall be provided intensive reading instruction
934 and intervention that include specialized diagnostic information
935 and specific reading strategies to meet the needs of each
936 student so promoted. The school district shall assist schools



937 and teachers with the implementation of reading strategies ~~for~~
938 ~~students promoted with a good cause exemption which research has~~
939 ~~shown to be successful in improving reading among students who~~
940 ~~have reading difficulties.~~ Good cause exemptions are limited to
941 the following:

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

946 2. Students with disabilities whose individual education
947 plan indicates that participation in the statewide assessment
948 program is not appropriate, consistent with the requirements of
949 s. 1008.212.

950 ~~3. Students who demonstrate an acceptable level of~~
951 ~~performance on an alternative standardized reading or English~~
952 ~~Language Arts assessment approved by the State Board of~~
953 ~~Education.~~

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

958 3.5. Students with disabilities who take the statewide,
959 ~~standardized Reading assessment or, upon implementation, the~~
960 English Language Arts assessment and who have an individual
961 education plan or a Section 504 plan that reflects that the
962 student has received intensive instruction ~~remediation in~~



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

966 4.6- Students who have received intensive instruction and
967 supports ~~reading intervention~~ for 2 or more years but still
968 demonstrate a deficiency in reading and who were previously
969 retained in kindergarten, grade 1, grade 2, or grade 3 for a
970 total of 2 years. A student may not be retained more than once
971 in grade 3.

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

976 1. The student's teacher shall submit documentation to the
977 school principal indicating that the promotion of the student is
978 appropriate and is based upon the student's academic record. In
979 order to minimize paperwork requirements, such documentation
980 shall consist only of evidence related to the specific good
981 cause exemption requested, the student portfolio, or the
982 alternative assessment, as applicable.

983 2. The school principal shall review the recommendation
984 with the teacher and, if feasible, the student's parent and
985 determine whether the student should be promoted or retained
986 based upon the documentation provided by the teacher pursuant to
987 subparagraph 1. If the school principal determines that the
988 student should be promoted, the school principal shall make such



989 recommendation in writing to the district school superintendent.
990 The district school superintendent shall accept or reject the
991 school principal's recommendation in writing.

992 ~~7. Students who have received intensive remediation in~~
993 ~~reading or English Language Arts for 2 or more years but still~~
994 ~~demonstrate a deficiency and who were previously retained in~~
995 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~
996 ~~years. Intensive instruction for students so promoted must~~
997 ~~include an altered instructional day that includes specialized~~
998 ~~diagnostic information and specific reading strategies for each~~
999 ~~student. The district school board shall assist schools and~~
1000 ~~teachers to implement reading strategies that research has shown~~
1001 ~~to be successful in improving reading among low-performing~~
1002 ~~readers.~~

1003 ~~(c) Requests for good cause exemptions for students from~~
1004 ~~the mandatory retention requirement as described in~~
1005 ~~subparagraphs (b)3. and 4. shall be made consistent with the~~
1006 ~~following:~~

1007 ~~1. Documentation shall be submitted from the student's~~
1008 ~~teacher to the school principal that indicates that the~~
1009 ~~promotion of the student is appropriate and is based upon the~~
1010 ~~student's academic record. In order to minimize paperwork~~
1011 ~~requirements, such documentation shall consist only of the~~
1012 ~~existing progress monitoring plan, individual educational plan,~~
1013 ~~if applicable, report card, or student portfolio.~~

1014 ~~2. The school principal shall review and discuss such~~



CS/HB 7069, Engrossed 1

2015

1015 ~~recommendation with the teacher and make the determination as to~~
1016 ~~whether the student should be promoted or retained. If the~~
1017 ~~school principal determines that the student should be promoted,~~
1018 ~~the school principal shall make such recommendation in writing~~
1019 ~~to the district school superintendent. The district school~~
1020 ~~superintendent shall accept or reject the school principal's~~
1021 ~~recommendation in writing.~~

1022 (6) ~~(7)~~ SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
1023 STUDENTS.—

1024 (a) Each school district shall provide students retained
1025 under the provisions of paragraph (5) (b) with a highly effective
1026 teacher as determined by the teacher's performance evaluation
1027 under s. 1012.34 and intensive instruction and support necessary
1028 for promotion to the next grade. The ~~must be provided intensive~~
1029 ~~interventions in reading to ameliorate the student's specific~~
1030 ~~reading deficiency, as identified by a valid and reliable~~
1031 ~~diagnostic assessment. This intensive intervention must include~~
1032 ~~effective instructional strategies, participation in the school~~
1033 ~~district's summer reading camp, and appropriate teaching~~
1034 ~~methodologies necessary to assist those students in becoming~~
1035 ~~successful readers, able to read at or above grade level, and~~
1036 ~~ready for promotion to the next grade.~~

1037 ~~(b) Each school district shall:~~

1038 ~~1. Provide third grade students who are retained under the~~
1039 ~~provisions of paragraph (5) (b) with intensive instructional~~
1040 ~~services and supports to remediate the identified areas of~~



CS/HB 7069, Engrossed 1

2015

1041 ~~reading deficiency, including~~ participation in the school
1042 district's summer reading camp and ~~as required under paragraph~~
1043 ~~(a) and~~ a minimum of 90 minutes of daily, uninterrupted,
1044 scientifically research-based reading instruction which includes
1045 phonemic awareness, phonics, fluency, vocabulary, and
1046 comprehension. and Other strategies may be identified in
1047 ~~prescribed by the school~~ district's K-12 comprehensive reading
1048 plan under s. 1011.62(9). ~~district, which may include, but are~~
1049 ~~not limited to:~~

1050 a. ~~Integration of science and social studies content~~
1051 ~~within the 90-minute block.~~

1052 b. ~~Small group instruction.~~

1053 c. ~~Reduced teacher student ratios.~~

1054 d. ~~More frequent progress monitoring.~~

1055 e. ~~Tutoring or mentoring.~~

1056 f. ~~Transition classes containing 3rd and 4th grade~~
1057 ~~students.~~

1058 g. ~~Extended school day, week, or year.~~

1059 (b) Each school district shall establish at each school,
1060 when applicable, an intensive reading acceleration course for
1061 any student retained in grade 3 who was previously retained in
1062 kindergarten, grade 1, or grade 2. The intensive reading
1063 acceleration course must provide all instruction and support
1064 included in the district's K-12 comprehensive reading plan as
1065 required by s. 1011.62(9)(c).

1066 (c) Each school district shall:



1067 | ~~1.2.~~ Provide written notification to the parent of a
1068 | student who is retained under the provisions of paragraph (5) (b)
1069 | that his or her child has not met the proficiency level required
1070 | for promotion and the reasons the child is not eligible for a
1071 | good cause exemption as provided in paragraph (5) (c) ~~(6) (b)~~. The
1072 | notification must comply with the provisions of s. 1002.20(15)
1073 | and must include a description of proposed interventions and
1074 | supports that will be provided to the child to remediate the
1075 | identified areas of reading deficiency.

1076 | ~~2.3.~~ Implement a policy for the midyear promotion of a
1077 | retained student who demonstrates satisfactory performance in
1078 | reading and progress sufficient to master next-grade content
1079 | standards based on criteria established by the district school
1080 | board ~~student retained under the provisions of paragraph (5) (b)~~
1081 | ~~who can demonstrate that he or she is a successful and~~
1082 | ~~independent reader and performing at or above grade level in~~
1083 | ~~reading or, upon implementation of English Language Arts~~
1084 | ~~assessments, performing at or above grade level in English~~
1085 | ~~Language Arts. Tools that school districts may use in~~
1086 | ~~reevaluating a student retained may include subsequent~~
1087 | ~~assessments, alternative assessments, and portfolio reviews, in~~
1088 | ~~accordance with rules of the State Board of Education.~~

1089 | ~~4.~~ ~~Provide students who are retained under the provisions~~
1090 | ~~of paragraph (5) (b) with a highly effective teacher as~~
1091 | ~~determined by the teacher's performance evaluation under s.~~
1092 | ~~1012.34.~~



CS/HB 7069, Engrossed 1

2015

1093 ~~5. Establish at each school, when applicable, an Intensive~~
1094 ~~Acceleration Class for retained grade 3 students who~~
1095 ~~subsequently score Level 1 on the required statewide,~~
1096 ~~standardized assessment identified in s. 1008.22. The focus of~~
1097 ~~the Intensive Acceleration Class shall be to increase a child's~~
1098 ~~reading and English Language Arts skill level at least two grade~~
1099 ~~levels in 1 school year. The Intensive Acceleration Class shall:~~
1100 ~~a. Be provided to a student in grade 3 who scores Level 1~~
1101 ~~on the statewide, standardized Reading assessment or, upon~~
1102 ~~implementation, the English Language Arts assessment and who was~~
1103 ~~retained in grade 3 the prior year because of scoring Level 1.~~
1104 ~~b. Have a reduced teacher-student ratio.~~
1105 ~~c. Provide uninterrupted reading instruction for the~~
1106 ~~majority of student contact time each day and incorporate~~
1107 ~~opportunities to master the grade 4 Next Generation Sunshine~~
1108 ~~State Standards in other core subject areas.~~
1109 ~~d. Use a reading program that is scientifically research-~~
1110 ~~based and has proven results in accelerating student reading~~
1111 ~~achievement within the same school year.~~
1112 ~~e. Provide intensive language and vocabulary instruction~~
1113 ~~using a scientifically research-based program, including use of~~
1114 ~~a speech-language therapist.~~
1115 (7) ~~(8)~~ ANNUAL REPORT.-
1116 (a) In addition to the requirements in paragraph (5) (b),
1117 each district school board must annually report to the parent of
1118 each student the progress of the student toward achieving state



CS/HB 7069, Engrossed 1

2015

1119 and district expectations for proficiency in English language
1120 arts, reading, writing, science, social studies, and
1121 mathematics. The district school board must report to the parent
1122 the student's results on each statewide, standardized assessment
1123 ~~test~~. The evaluation of each student's progress must be based
1124 upon the student's classroom work, observations, tests, district
1125 and state assessments, and other relevant information. Progress
1126 reporting must be provided to the parent in writing in a format
1127 adopted by the district school board.

1128 (b) Each district school board must annually publish on
1129 the district website ~~and in the local newspaper~~ the following
1130 information on the prior school year:

1131 1. The provisions of this section relating to public
1132 school student progression and the district school board's
1133 policies and procedures on student retention and promotion.

1134 2. By grade, the number and percentage of all students in
1135 grades 3 through 10 performing at Levels 1 and 2 on the
1136 statewide, standardized English Language Arts assessment ~~reading~~
1137 ~~portion of the FCAT~~.

1138 3. By grade, the number and percentage of all students
1139 retained in kindergarten ~~grades 3~~ through grade 10.

1140 4. Information on the total number of students who were
1141 promoted using the alternative assessment under subparagraph
1142 (5)(b)1., using a student portfolio under subparagraph (5)(b)2.,
1143 or for good cause, by each category of good cause as specified
1144 in paragraph (5)(c) ~~(6)(b)~~.



1145 5. Any revisions to the district school board's policies
 1146 and procedures ~~policy~~ on student retention and promotion from
 1147 the prior year.

1148 (8)~~(9)~~ RULEMAKING.—The State Board of Education shall
 1149 adopt rules pursuant to ss. 120.536(1) and 120.54 for the
 1150 administration of this section.

1151 Section 10. Subsection (3) of section 1008.30, Florida
 1152 Statutes, is amended to read:

1153 1008.30 Common placement testing for public postsecondary
 1154 education.—

1155 ~~(3) The State Board of Education shall adopt rules that~~
 1156 ~~require high schools to evaluate before the beginning of grade~~
 1157 ~~12 the college readiness of each student who scores Level 2 or~~
 1158 ~~Level 3 on grade 10 FCAT Reading or the English Language Arts~~
 1159 ~~assessment under s. 1008.22, as applicable, or Level 2, Level 3,~~
 1160 ~~or Level 4 on the Algebra I assessment under s. 1008.22. High~~
 1161 ~~schools shall perform this evaluation using results from the~~
 1162 ~~corresponding component of the common placement test prescribed~~
 1163 ~~in this section, or an alternative test identified by the State~~
 1164 ~~Board of Education. The high school shall use the results of the~~
 1165 ~~test to advise the students of any identified deficiencies and~~
 1166 ~~to provide 12th grade students, and require them to complete,~~
 1167 ~~appropriate postsecondary preparatory instruction before high~~
 1168 ~~school graduation. The curriculum provided under this subsection~~
 1169 ~~shall be identified in rule by the State Board of Education and~~
 1170 ~~encompass Florida's Postsecondary Readiness Competencies. Other~~



CS/HB 7069, Engrossed 1

2015

1171 ~~elective courses may not be substituted for the selected~~
1172 ~~postsecondary mathematics, reading, writing, or English Language~~
1173 ~~Arts preparatory course unless the elective course covers the~~
1174 ~~same competencies included in the postsecondary mathematics,~~
1175 ~~reading, writing, or English Language Arts preparatory course.~~

1176 Section 11. Effective July 1, 2016, subsection (6) is
1177 added to section 1008.36, Florida Statutes, to read:

1178 1008.36 Florida School Recognition Program.—

1179 (6) In addition to funds provided pursuant to subsection
1180 (4), Title I high schools that receive a school grade of "A" or
1181 "B," beginning with school grades for the 2015-2016 school year,
1182 and that have a student population at least 65 percent of which
1183 is eligible for free or reduced-price meals under the National
1184 School Lunch Act shall receive financial awards depending on the
1185 availability of funds appropriated and the number and size of
1186 schools selected to receive an award.

1187
1188 Notwithstanding statutory provisions to the contrary, incentive
1189 awards are not subject to collective bargaining.

1190 Section 12. Paragraphs (c) and (d) of subsection (9) of
1191 section 1011.62, Florida Statutes, are amended to read:

1192 1011.62 Funds for operation of schools.—If the annual
1193 allocation from the Florida Education Finance Program to each
1194 district for operation of schools is not determined in the
1195 annual appropriations act or the substantive bill implementing
1196 the annual appropriations act, it shall be determined as



CS/HB 7069, Engrossed 1

2015

1197 follows:

1198 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1199 (c) Funds allocated under this subsection must be used to
1200 provide a system of comprehensive reading instruction to
1201 students enrolled in the K-12 programs ~~., which~~

1202 1. The comprehensive reading system may include the
1203 following:

1204 ~~a.1.~~ The provision of an additional hour per day of
1205 intensive reading instruction to students in the 300 lowest-
1206 performing elementary schools by teachers and reading
1207 specialists who are effective in teaching reading.

1208 ~~b.2.~~ Kindergarten through grade 5 reading intervention
1209 teachers to provide intensive intervention during the school day
1210 and in the required extra hour for students identified as having
1211 a reading deficiency.

1212 ~~c.3.~~ The provision of highly qualified reading coaches to
1213 specifically support teachers in making instructional decisions
1214 based on student data, and improve teacher delivery of effective
1215 reading instruction, intervention, and reading in the content
1216 areas based on student need.

1217 ~~d.4.~~ Professional development for school district teachers
1218 in scientifically based reading instruction, including
1219 strategies to teach reading in content areas and with an
1220 emphasis on technical and informational text.

1221 ~~e.5.~~ The provision of summer reading camps for all
1222 students in kindergarten through grade 2 who demonstrate a



1223 reading deficiency as determined by district and state
1224 assessments, and students in grades 3 through 5 who score at
1225 Level 1 on the statewide, standardized reading assessment or,
1226 upon implementation, the English Language Arts assessment.

1227 ~~f.6.~~ The provision of supplemental instructional materials
1228 that are grounded in scientifically based reading research.

1229 ~~g.7.~~ The provision of intensive interventions for students
1230 in kindergarten through grade 12 who have been identified as
1231 having a reading deficiency or who are reading below grade level
1232 as determined by the statewide, standardized assessment.

1233 h. Tutoring, mentoring, or an extended school day, week,
1234 or year.

1235 i. Transition classes containing 3rd and 4th grade
1236 students.

1237 2. The intensive reading acceleration course under s.
1238 1008.25(6)(b) must provide the following:

1239 a. The integration of science and social studies content
1240 in a minimum of a 90-minute reading block.

1241 b. Small group instruction.

1242 c. Reduced teacher-student ratios.

1243 d. The use of a scientifically research-based reading
1244 program that has proven results in accelerating student reading
1245 achievement within the same school year.

1246 e. Intensive language and vocabulary instruction using a
1247 scientifically research-based program, including the use of a
1248 speech-language therapist if necessary.



1249 | f. A "Read at Home" plan.

1250 | (d) Annually, by a date determined by the Department of
1251 | Education but before May 1, school districts shall submit a K-12
1252 | comprehensive reading plan for the specific use of the research-
1253 | based reading instruction allocation in the format prescribed by
1254 | the department for review and approval by the Just Read,
1255 | Florida! Office created pursuant to s. 1001.215. The plan
1256 | annually submitted by school districts shall be deemed approved
1257 | unless the department rejects the plan on or before June 1. If a
1258 | school district and the Just Read, Florida! Office cannot reach
1259 | agreement on the contents of the plan, the school district may
1260 | appeal to the State Board of Education for resolution. School
1261 | districts shall be allowed reasonable flexibility in designing
1262 | their plans and shall be encouraged to offer reading
1263 | intervention through innovative methods, including career
1264 | academies. The plan format shall be developed with input from
1265 | school district personnel, including teachers and principals,
1266 | and shall allow courses in core, career, and alternative
1267 | programs that deliver intensive reading remediation through
1268 | integrated curricula, provided that the teacher is deemed highly
1269 | qualified to teach reading or working toward that status. No
1270 | later than July 1 annually, the department shall release the
1271 | school district's allocation of appropriated funds to those
1272 | districts having approved plans. A school district that spends
1273 | 100 percent of this allocation on its approved plan shall be
1274 | deemed to have been in compliance with the plan. The department



1275 | may withhold funds upon a determination that reading instruction
1276 | allocation funds are not being used to implement the approved
1277 | plan. The department shall monitor and track the implementation
1278 | of each district plan, including conducting site visits and
1279 | collecting specific data on expenditures and reading improvement
1280 | results. ~~By February 1 of each year,~~ The department shall
1281 | regularly report its findings to the State Board of Education
1282 | Legislature. At its first regularly scheduled meeting after
1283 | August 1 of each year, the state board shall review the
1284 | effectiveness of each district plan.

1285 | Section 13. Section 1012.34, Florida Statutes, is amended
1286 | to read:

1287 | 1012.34 Personnel evaluation procedures and criteria.—

1288 | (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1289 | (a) For the purpose of increasing student academic
1290 | performance by improving the quality of instructional,
1291 | administrative, and supervisory services in the public schools
1292 | of the state, the district school superintendent shall establish
1293 | procedures for evaluating the performance of duties and
1294 | responsibilities of all instructional, administrative, and
1295 | supervisory personnel employed by the school district. The
1296 | district school superintendent shall provide instructional
1297 | personnel the opportunity to review their class rosters for
1298 | accuracy and to correct any mistakes. The district school
1299 | superintendent shall report accurate class rosters for the
1300 | purpose of calculating district and statewide student



CS/HB 7069, Engrossed 1

2015

1301 performance and annually report the evaluation results of
1302 instructional personnel and school administrators to the
1303 Department of Education in addition to the information required
1304 under subsection (5).

1305 (b) The department must approve each school district's
1306 instructional personnel and school administrator evaluation
1307 systems. The department shall monitor each district's
1308 implementation of its instructional personnel and school
1309 administrator evaluation systems for compliance with the
1310 requirements of this section ~~and s. 1012.3401.~~

1311 (c) Annually, by February ~~December~~ 1, the Commissioner of
1312 Education shall publish on the department's website ~~report to~~
1313 ~~the Governor, the President of the Senate, and the Speaker of~~
1314 ~~the House of Representatives the approval and implementation~~
1315 status of each school district's instructional personnel and
1316 school administrator evaluation systems. This information must
1317 ~~The report shall include:~~

1318 1. Performance evaluation results for the prior school
1319 year for instructional personnel and school administrators using
1320 the four levels of performance specified in paragraph (2) (e).
1321 The performance evaluation results for instructional personnel
1322 shall be disaggregated by classroom teachers, as defined in s.
1323 1012.01(2) (a), excluding substitute teachers, and all other
1324 instructional personnel, as defined in s. 1012.01(2) (b)-(d).

1325 2. An analysis that compares performance evaluation
1326 results calculated by each school district to indicators of



1327 performance calculated by the department using the standards for
1328 performance levels adopted by the state board under subsection
1329 (8). ~~The commissioner shall include in the report each~~
1330 ~~district's performance-level standards established under~~
1331 ~~subsection (7), a comparative analysis of the district's student~~
1332 ~~academic performance results and evaluation results,~~

1333 3. Data reported under s. 1012.341, and the status of any
1334 evaluation system revisions requested by a school district
1335 pursuant to subsection (6).

1336 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
1337 for instructional personnel and school administrators must:

1338 (a) Be designed to support effective instruction and
1339 student learning growth, and performance evaluation results must
1340 be used when developing district and school level improvement
1341 plans.

1342 (b) Provide appropriate instruments, procedures, timely
1343 feedback, and criteria for continuous quality improvement of the
1344 professional skills of instructional personnel and school
1345 administrators, and performance evaluation results must be used
1346 when identifying professional development.

1347 (c) Include a mechanism to examine performance data from
1348 multiple sources, including opportunities for parents to provide
1349 input into employee performance evaluations when appropriate.

1350 (d) Identify those teaching fields for which special
1351 evaluation procedures and criteria are necessary.

1352 (e) Differentiate among four levels of performance as



1353 follows:

- 1354 1. Highly effective.
- 1355 2. Effective.
- 1356 3. Needs improvement or, for instructional personnel in
- 1357 the first 3 years of employment who need improvement,
- 1358 developing.
- 1359 4. Unsatisfactory.

1360

1361 ~~The Commissioner of Education shall consult with experts,~~
 1362 ~~instructional personnel, school administrators, and education~~
 1363 ~~stakeholders in developing the criteria for the performance~~
 1364 ~~levels.~~

1365 (f) Provide for training and monitoring programs ~~that are~~
 1366 based upon guidelines provided by the department to ensure that
 1367 all individuals with evaluation responsibilities understand the
 1368 proper use of the evaluation criteria and procedures.

1369 ~~(g) Include a process for monitoring and evaluating the~~
 1370 ~~effective and consistent use of the evaluation criteria by~~
 1371 ~~employees with evaluation responsibilities.~~

1372 ~~(h) Include a process for monitoring and evaluating the~~
 1373 ~~effectiveness of the system itself in improving instruction and~~
 1374 ~~student learning.~~

1375

1376 In addition, each district school board may establish a peer
 1377 assistance process. This process may be a part of the regular
 1378 evaluation system or used to assist employees placed on



1379 performance probation, newly hired classroom teachers, or
1380 employees who request assistance.

1381 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
1382 personnel and school administrator performance evaluations must
1383 be based upon the performance of students assigned to their
1384 classrooms or schools, as provided in this section. Pursuant to
1385 this section, a school district's performance evaluation system
1386 is not limited to basing unsatisfactory performance of
1387 instructional personnel and school administrators solely upon
1388 student performance, but may include other criteria ~~approved~~ to
1389 evaluate instructional personnel and school administrators'
1390 performance, or any combination of student performance and other
1391 ~~approved~~ criteria. Evaluation procedures and criteria must
1392 comply with, but are not limited to, the following:

1393 (a) A performance evaluation must be conducted for each
1394 employee at least once a year, except that a classroom teacher,
1395 as defined in s. 1012.01(2)(a), excluding substitute teachers,
1396 who is newly hired by the district school board must be observed
1397 and evaluated at least twice in the first year of teaching in
1398 the school district. The performance evaluation must be based
1399 upon sound educational principles and contemporary research in
1400 effective educational practices. The evaluation criteria must
1401 include:

1402 1. Performance of students.—At least one-third ~~50 percent~~
1403 of a performance evaluation must be based upon data and
1404 indicators of student performance ~~learning growth assessed~~



1405 ~~annually by statewide assessments or, for subjects and grade~~
1406 ~~levels not measured by statewide assessments, by school district~~
1407 ~~assessments as provided in s. 1008.22(6). Each school district~~
1408 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~
1409 ~~measuring student learning growth in all courses associated with~~
1410 ~~statewide assessments and must select an equally appropriate~~
1411 ~~formula for measuring student learning growth for all other~~
1412 ~~grades and subjects, except as otherwise provided in accordance~~
1413 ~~with subsection (7).~~

1414 ~~a. For classroom teachers, as defined in s. 1012.01(2)(a),~~
1415 ~~excluding substitute teachers, the student learning growth This~~
1416 ~~portion of the evaluation must include growth or achievement~~
1417 ~~data of the teacher's students or, for a school administrator,~~
1418 ~~the students attending the school for students assigned to the~~
1419 ~~teacher over the course of at least 3 years. If less than 3~~
1420 ~~years of data are available, the years for which data are~~
1421 ~~available must be used. The proportion of growth or achievement~~
1422 ~~data may be determined by instructional assignment and the~~
1423 ~~percentage of the evaluation based upon student learning growth~~
1424 ~~may be reduced to not less than 40 percent.~~

1425 ~~b. For instructional personnel who are not classroom~~
1426 ~~teachers, the student learning growth portion of the evaluation~~
1427 ~~must include growth data on statewide assessments for students~~
1428 ~~assigned to the instructional personnel over the course of at~~
1429 ~~least 3 years, or may include a combination of student learning~~
1430 ~~growth data and other measurable student outcomes that are~~



1431 ~~specific to the assigned position, provided that the student~~
1432 ~~learning growth data accounts for not less than 30 percent of~~
1433 ~~the evaluation. If less than 3 years of student growth data are~~
1434 ~~available, the years for which data are available must be used~~
1435 ~~and the percentage of the evaluation based upon student learning~~
1436 ~~growth may be reduced to not less than 20 percent.~~

1437 ~~e. For school administrators, the student learning growth~~
1438 ~~portion of the evaluation must include growth data for students~~
1439 ~~assigned to the school over the course of at least 3 years. If~~
1440 ~~less than 3 years of data are available, the years for which~~
1441 ~~data are available must be used and the percentage of the~~
1442 ~~evaluation based upon student learning growth may be reduced to~~
1443 ~~not less than 40 percent.~~

1444 2. Instructional practice.—For instructional personnel, at
1445 least one-third of the performance evaluation must be based upon
1446 instructional practice. Evaluation criteria used when annually
1447 observing classroom teachers, as defined in s. 1012.01(2)(a),
1448 excluding substitute teachers, must include indicators based
1449 upon each of the Florida Educator Accomplished Practices adopted
1450 by the State Board of Education. For instructional personnel who
1451 are not classroom teachers, evaluation criteria must be based
1452 upon indicators of the Florida Educator Accomplished Practices
1453 and may include specific job expectations related to student
1454 support.

1455 3. Instructional leadership.—For school administrators, at
1456 least one-third of the performance evaluation must be based on



1457 instructional leadership. Evaluation criteria for instructional
1458 leadership must include indicators based upon each of the
1459 leadership standards adopted by the State Board of Education
1460 under s. 1012.986, including performance measures related to the
1461 effectiveness of classroom teachers in the school, the
1462 administrator's appropriate use of evaluation criteria and
1463 procedures, recruitment and retention of effective and highly
1464 effective classroom teachers, improvement in the percentage of
1465 instructional personnel evaluated at the highly effective or
1466 effective level, and other leadership practices that result in
1467 student learning growth. The system may include a means to give
1468 parents and instructional personnel an opportunity to provide
1469 input into the administrator's performance evaluation.

1470 4. Other indicators of performance ~~Professional and job~~
1471 ~~responsibilities.~~ The remainder of a performance evaluation may
1472 include, but is not limited to, For instructional personnel and
1473 ~~school administrators, other professional and job~~
1474 ~~responsibilities must be included~~ as recommended ~~adopted~~ by the
1475 State Board of Education or identified by the district school
1476 board and, for instructional personnel, peer reviews,
1477 objectively reliable survey information from students and
1478 parents based on teaching practices that are consistently
1479 associated with higher student achievement, and other valid and
1480 reliable measures of instructional practice. ~~The district school~~
1481 ~~board may identify additional professional and job~~
1482 ~~responsibilities.~~



1483 (b) All personnel must be fully informed of the criteria,
1484 data sources, methodologies, and procedures associated with the
1485 evaluation process before the evaluation takes place.

1486 (c) The individual responsible for supervising the
1487 employee must evaluate the employee's performance. The
1488 evaluation system may provide for the evaluator to consider
1489 input from other personnel trained under subsection (2)
1490 ~~paragraph (2) (f)~~. The evaluator must submit a written report of
1491 the evaluation to the district school superintendent for the
1492 purpose of reviewing the employee's contract. The evaluator must
1493 submit the written report to the employee no later than 10 days
1494 after the evaluation takes place. The evaluator must discuss the
1495 written evaluation report with the employee. The employee shall
1496 have the right to initiate a written response to the evaluation,
1497 and the response shall become a permanent attachment to his or
1498 her personnel file.

1499 (d) The evaluator may amend an evaluation based upon
1500 assessment data from the current school year if the data becomes
1501 available within 90 days after the close of the school year. The
1502 evaluator must then comply with the procedures set forth in
1503 paragraph (c).

1504 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
1505 employee who holds a professional service contract as provided
1506 in s. 1012.33 is not performing his or her duties in a
1507 satisfactory manner, the evaluator shall notify the employee in
1508 writing of such determination. The notice must describe such



1509 | unsatisfactory performance and include notice of the following
1510 | procedural requirements:

1511 | (a) Upon delivery of a notice of unsatisfactory
1512 | performance, the evaluator must confer with the employee who
1513 | holds a professional service contract, make recommendations with
1514 | respect to specific areas of unsatisfactory performance, and
1515 | provide assistance in helping to correct deficiencies within a
1516 | prescribed period of time.

1517 | (b)1. The employee who holds a professional service
1518 | contract shall be placed on performance probation and governed
1519 | by the provisions of this section for 90 calendar days following
1520 | the receipt of the notice of unsatisfactory performance to
1521 | demonstrate corrective action. School holidays and school
1522 | vacation periods are not counted when calculating the 90-
1523 | calendar-day period. During the 90 calendar days, the employee
1524 | who holds a professional service contract must be evaluated
1525 | periodically and apprised of progress achieved and must be
1526 | provided assistance and inservice training opportunities to help
1527 | correct the noted performance deficiencies. At any time during
1528 | the 90 calendar days, the employee who holds a professional
1529 | service contract may request a transfer to another appropriate
1530 | position with a different supervising administrator; however, if
1531 | a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6),
1532 | it does not extend the period for correcting performance
1533 | deficiencies.

1534 | 2. Within 14 days after the close of the 90 calendar days,



1535 | the evaluator must evaluate whether the performance deficiencies
1536 | have been corrected and forward a recommendation to the district
1537 | school superintendent. Within 14 days after receiving the
1538 | evaluator's recommendation, the district school superintendent
1539 | must notify the employee who holds a professional service
1540 | contract in writing whether the performance deficiencies have
1541 | been satisfactorily corrected and whether the district school
1542 | superintendent will recommend that the district school board
1543 | continue or terminate his or her employment contract. If the
1544 | employee wishes to contest the district school superintendent's
1545 | recommendation, the employee must, within 15 days after receipt
1546 | of the district school superintendent's recommendation, submit a
1547 | written request for a hearing. The hearing shall be conducted at
1548 | the district school board's election in accordance with one of
1549 | the following procedures:

1550 | a. A direct hearing conducted by the district school board
1551 | within 60 days after receipt of the written appeal. The hearing
1552 | shall be conducted in accordance with the provisions of ss.
1553 | 120.569 and 120.57. A majority vote of the membership of the
1554 | district school board shall be required to sustain the district
1555 | school superintendent's recommendation. The determination of the
1556 | district school board shall be final as to the sufficiency or
1557 | insufficiency of the grounds for termination of employment; or

1558 | b. A hearing conducted by an administrative law judge
1559 | assigned by the Division of Administrative Hearings of the
1560 | Department of Management Services. The hearing shall be



CS/HB 7069, Engrossed 1

2015

1561 conducted within 60 days after receipt of the written appeal in
1562 accordance with chapter 120. The recommendation of the
1563 administrative law judge shall be made to the district school
1564 board. A majority vote of the membership of the district school
1565 board shall be required to sustain or change the administrative
1566 law judge's recommendation. The determination of the district
1567 school board shall be final as to the sufficiency or
1568 insufficiency of the grounds for termination of employment.

1569 (5) ADDITIONAL NOTIFICATIONS.—The district school
1570 superintendent shall annually notify the department of any
1571 instructional personnel or school administrators who receive two
1572 consecutive unsatisfactory evaluations. The district school
1573 superintendent shall also notify the department of any
1574 instructional personnel or school administrators who are given
1575 written notice by the district of intent to terminate or not
1576 renew their employment. The department shall conduct an
1577 investigation to determine whether action shall be taken against
1578 the certificateholder pursuant to s. 1012.795.

1579 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
1580 EVALUATION SYSTEMS.—The district school board shall establish a
1581 procedure for annually reviewing instructional personnel and
1582 school administrator evaluation systems to determine compliance
1583 with this section ~~and s. 1012.3401~~. All substantial revisions to
1584 an approved system must be reviewed and approved by the district
1585 school board before being used to evaluate instructional
1586 personnel or school administrators. Upon request by a school



1587 district, the department shall provide assistance in developing,
1588 improving, or reviewing an evaluation system.

1589 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1590 (a) The Commissioner of Education shall approve a formula
1591 to measure individual student learning growth on the statewide,
1592 standardized assessments in English Language Arts and
1593 mathematics administered under s. 1008.22. The formula must take
1594 into consideration each student's prior academic performance.
1595 The formula must not set different expectations for student
1596 learning growth based upon a student's gender, race, ethnicity,
1597 or socioeconomic status. In the development of the formula, the
1598 commissioner shall consider other factors such as a student's
1599 attendance record, disability status, or status as an English
1600 language learner. The commissioner may ~~shall~~ select additional
1601 formulas to measure student performance as appropriate for the
1602 remainder of the statewide, standardized assessments included
1603 under s. 1008.22 and continue to select formulas as new
1604 assessments are implemented in the state system. After the
1605 commissioner approves the formula to measure individual student
1606 learning growth, the State Board of Education shall adopt these
1607 formulas in rule.

1608 (b) Each school district shall measure student learning
1609 growth using the formulas approved by the commissioner under
1610 paragraph (a) and the standards for performance levels adopted
1611 by the state board under subsection (8) for courses associated
1612 with the statewide, standardized assessments administered under



1613 s. 1008.22 no later than the school year immediately following
1614 the year the formula is approved by the commissioner. For grades
1615 and subjects not assessed by statewide, standardized assessments
1616 ~~but otherwise assessed as required under s. 1008.22(6), each~~
1617 school district shall measure student performance ~~of students~~
1618 using a methodology determined by the district. ~~The department~~
1619 ~~shall provide models for measuring performance of students which~~
1620 ~~school districts may adopt.~~

1621 ~~(c) For a course that is not measured by a statewide,~~
1622 ~~standardized assessment, a school district may request, through~~
1623 ~~the evaluation system approval process, to use a student's~~
1624 ~~achievement level rather than student learning growth if~~
1625 ~~achievement is demonstrated to be a more appropriate measure of~~
1626 ~~classroom teacher performance. A school district may also~~
1627 ~~request to use a combination of student learning growth and~~
1628 ~~achievement, if appropriate.~~

1629 ~~(d) For a course that is not measured by a statewide,~~
1630 ~~standardized assessment, a school district may request, through~~
1631 ~~the evaluation system approval process, that the performance~~
1632 ~~evaluation for the classroom teacher assigned to that course~~
1633 ~~include the learning growth of his or her students on one or~~
1634 ~~more statewide, standardized assessments. The request must~~
1635 ~~clearly explain the rationale supporting the request.~~

1636 ~~(e) For purposes of this section and only for the 2014-~~
1637 ~~2015 school year, a school district may use measurable learning~~
1638 ~~targets on local assessments administered under s. 1008.22(6) to~~



CS/HB 7069, Engrossed 1

2015

1639 ~~evaluate the performance of students portion of a classroom~~
1640 ~~teacher's evaluation for courses that are not assessed by~~
1641 ~~statewide, standardized assessments. Learning targets must be~~
1642 ~~approved by the school principal. A district school~~
1643 ~~superintendent may assign to instructional personnel in an~~
1644 ~~instructional team the student learning growth of the~~
1645 ~~instructional team's students on statewide assessments. This~~
1646 ~~paragraph expires July 1, 2015.~~

1647 (8) RULEMAKING.—The State Board of Education shall adopt
1648 rules pursuant to ss. 120.536(1) and 120.54 which establish
1649 uniform procedures and format for the submission, review, and
1650 approval of district evaluation systems and reporting
1651 requirements for the annual evaluation of instructional
1652 personnel and school administrators; specific, discrete
1653 standards for each performance level required under subsection
1654 (2), based on student learning growth models approved by the
1655 commissioner, to ensure clear and sufficient differentiation in
1656 the performance levels and to provide consistency in meaning
1657 across school districts; the measurement of student learning
1658 growth and associated implementation procedures required under
1659 subsection (7); and a process for monitoring school district
1660 implementation of evaluation systems in accordance with this
1661 section. ~~Specifically, the rules shall establish student~~
1662 ~~performance levels that if not met will result in the employee~~
1663 ~~receiving an unsatisfactory performance evaluation rating. In~~
1664 ~~like manner, the rules shall establish a student performance~~



CS/HB 7069, Engrossed 1

2015

1665 | ~~level that must be met in order for an employee to receive a~~
1666 | ~~highly effective rating and a student learning growth standard~~
1667 | ~~that must be met in order for an employee to receive an~~
1668 | ~~effective rating.~~

1669 | (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED
1670 | ASSESSMENTS.—Standards for each performance level required under
1671 | subsection (2) shall be established by the State Board of
1672 | Education beginning with the 2015-2016 school year.

1673 | ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
1674 | ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
1675 | ~~rewards as provided for in the 2014 General Appropriations Act~~
1676 | ~~for making outstanding progress toward educator effectiveness,~~
1677 | ~~including implementation of instructional personnel salaries~~
1678 | ~~based on performance results under s. 1012.34 and the use of~~
1679 | ~~local assessment results in personnel evaluations when~~
1680 | ~~statewide, standardized assessments are not administered.~~

1681 | Section 14. Section 1012.3401, Florida Statutes, is
1682 | repealed.

1683 | Section 15. Subsection (10) of section 1012.98, Florida
1684 | Statutes, is amended to read:

1685 | 1012.98 School Community Professional Development Act.—

1686 | (10) For instructional personnel ~~teachers, managers,~~ and
1687 | administrative personnel who have been evaluated as less than
1688 | effective ~~satisfactory~~, a district school board shall require
1689 | participation in specific professional development programs as
1690 | provided in subparagraph (4) (b) 4. as part of the improvement



CS/HB 7069, Engrossed 1

2015

1691 | prescription.

1692 | Section 16. Except as otherwise expressly provided in this

1693 | act, this act shall take effect upon becoming a law.