

CHAPTER 2015-6

Committee Substitute for House Bill No. 7069

An act relating to education accountability; amending s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools; amending s. 1002.20, F.S.; revising provisions relating to reading instruction to conform to changes made by the act; amending ss. 1003.4156 and 1003.4282, F.S.; deleting provisions relating to remediation for certain middle grades and high school students, respectively; amending s. 1003.4285, F.S.; revising requirements for the scholar designation on standard high school diplomas; amending s. 1003.621, F.S.; requiring that academically high-performing school districts comply with provisions relating to the uniform opening date of public schools; amending s. 1008.22, F.S.; revising the purpose of the student assessment program to include providing instructional personnel with certain information when available; revising the grade levels of students who must take the statewide, standardized English Language Arts assessment; revising provisions relating to end-of-course assessments; requiring that all students enrolled in certain courses take the statewide, standardized end-of-course assessment associated with the course; prohibiting students who take an end-of-course assessment for a course from taking other specified assessments; requiring computer-based testing for certain assessments during specified school years; requiring that paper-based accommodations be made available for certain students; providing for use of certain assessment results for students; requiring that a student's performance results on certain assessments be provided to the student's teachers and parents within a specified time after administration of the assessments; providing for liquidated damages; revising provisions relating to local assessments administered by school districts; requiring that certain information relating to student achievement be provided to instructional personnel when available; requiring that all end-of-course assessment results be reported annually by a specified date; providing an exemption for the 2014-2015 school year; requiring the Commissioner of Education to annually publish a uniform calendar for assessment and reporting on the Department of Education's website; requiring each school district to establish assessment schedules, approve such schedules at a district school board meeting, and publish such schedules on the district's website; requiring each public school to publish such schedules on the school's website; providing that certain assessments replace final assessments in certain courses; requiring teachers and parents to be provided with results of district-required local assessments in a timely manner; requiring rulemaking relating to the uniform calendar; amending s. 1008.24, F.S.; authorizing a school district to use district employees to administer and proctor specified assessments; providing minimum requirements for State Board of Education rules regarding the training of such employees; amending s. 1008.25, F.S.; deleting requirements for the comprehensive student progression plan; requiring each district school

board to adopt criteria for student grade-level progression; revising provisions relating to support for certain students and student promotion from grade 3 to grade 4; requiring that certain information relating to student achievement be provided to instructional personnel when available; providing for intensive instruction for certain students; revising reporting requirements; amending s. 1008.30, F.S.; deleting a requirement for certain students to be evaluated for college readiness; amending s. 1008.34, F.S.; adding references to school improvement ratings to provisions regarding the school grading system; specifying applicability of certain accountability measures to schools using turnaround options; requiring that students who score in the bottom quintile on the 2014-2015 grade 3 English Language Arts assessment be identified as students at risk of retention; requiring that each school district notify such students' parents, provide evidence, and provide intervention and support services; requiring an independent verification of the psychometric validity of statewide, standardized assessments before school grades results may be published and before student performance data may be used for purposes of instructional personnel and school administrator evaluations; requiring that a panel select an independent entity based on criteria; requiring that the Department of Education contract with the entity; providing for future repeal; amending s. 1012.34, F.S.; revising reporting requirements relating to school district personnel evaluation systems; revising evaluation criteria and requirements; revising provisions relating to the measurement of student performance; deleting provisions relating to district bonus rewards for performance pay based on evaluation progress; repealing s. 1012.3401, F.S., relating to requirements for measuring student performance in instructional personnel and school administrator performance evaluations and performance evaluation of personnel for purposes of performance salary schedule; amending s. 1012.98, F.S.; revising provisions relating to personnel evaluation for purposes of professional development; providing an effective date.

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

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

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

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

(f) *Opening and closing of schools; fixing uniform date.*—Adopt policies for the opening and closing of schools and fix uniform dates; however, ~~beginning with the 2007-2008 school year,~~ the opening date for schools in the

district may not be earlier than August 10 of ~~14 days before Labor Day~~ each year.

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

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

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

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

1003.4156 General requirements for middle grades promotion.—

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

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

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

1003.4282 Requirements for a standard high school diploma.—

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

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

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

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

1003.4285 Standard high school diploma designations.—

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

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

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

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

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

3.4. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of

this subparagraph without having to take the statewide, standardized United States History EOC assessment.

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

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

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

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

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

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

Section 7. Subsections (1), (3), (4), and (6) of section 1008.22, Florida Statutes, are amended, subsections (7) through (11) are redesignated as subsections (8) through (12), respectively, and a new subsection (7) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

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

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content

established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) *Statewide, standardized comprehensive assessments.*—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through ~~10~~ 11. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (8) ~~(7)~~.

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

1. EOC assessments for Algebra I, Geometry, Algebra II, Biology I, United States History, and Civics shall be administered to students enrolled in such courses as specified in the course code directory ~~Statewide, standardized EOC assessments in mathematics shall be administered according to this subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I must take the Algebra I EOC assessment. Except as otherwise provided in paragraph (c), beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I must earn a passing score on the Algebra I EOC assessment or attain a comparative score as authorized under subsection (8)~~

~~in order to earn a standard high school diploma. In order to earn a standard high school diploma, a student who has not earned a passing score on the Algebra I EOC assessment must earn a passing score on the assessment retake or a comparative score as authorized under subsection (8). Beginning with the 2011-2012 school year, all students enrolled in Geometry must take the Geometry EOC assessment. Middle grades students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and shall not take the corresponding subject and grade-level statewide, standardized assessment. When a statewide, standardized EOC assessment in Algebra II is administered, all students enrolled in Algebra II must take the EOC assessment. Pursuant to the commissioner's implementation schedule, student performance on the Algebra II EOC assessment constitutes 30 percent of a student's final course grade.~~

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

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

~~3.4. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.~~

~~4.5. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved~~

by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

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

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

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

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

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

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

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

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

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

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 ELA assessment, beginning in the 2017-2018 school year; the grade 3 mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 mathematics assessment, beginning in the 2016-2017 school year.

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

(e) *Assessment scores and achievement levels.*—

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

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

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The

state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

~~(f) *Assessment schedules and reporting of results.*—The Commissioner of Education shall establish schedules for the administration of assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedule. By August 1 of each year, the commissioner shall notify each school district in writing and publish on the department’s website the assessment and reporting schedules for, at a minimum, the school year following the upcoming school year. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts. Assessment results for the statewide, standardized Reading assessments, or upon implementation the ELA assessments, and Mathematics assessments, including the EOC assessments in Algebra I and Geometry, must be made available no later than the week of June 8. The administration of the statewide, standardized Writing assessment and the Florida Alternate Assessment may be no earlier than the week of March 1. School districts shall administer assessments in accordance with the schedule established by the commissioner.~~

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

1. Distributing to students sample assessment books and answer keys published by the Department of Education.
2. Providing individualized instruction in assessment-taking strategies, without suspending the school’s regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment.
3. Providing individualized instruction in the content knowledge and skills assessed, without suspending the school’s regular program of curricula, for a student who scores Level 1 or Level 2 on a prior administration of an assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

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

~~(g)(h)~~ *Contracts for assessments.*—

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

2. A student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments administered pursuant to this subsection must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This subparagraph does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.

3. If liquidated damages are applicable, the department shall collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the department's Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.

(4) SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM PROGRAMS.—Each public school shall participate in the statewide, standardized assessment program in accordance with the assessment and reporting schedules and the minimum and recommended technology requirements published by the Commissioner of Education. District school boards shall not establish school calendars that conflict with or jeopardize implementation of the assessment program. All district school boards shall report assessment results using as required by the state management information system. Performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used by districts in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The

analysis of student performance data must also identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of remediation programs.

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

(a) ~~Measurement of student performance is the responsibility of school districts in all subjects and grade levels, except in those subjects and grade levels measured under the statewide, standardized assessment program described in this section, is the responsibility of the school districts. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.~~

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

- ~~1. Statewide assessments.~~
- ~~2. Other standardized assessments, including nationally recognized standardized assessments.~~
- ~~3. Industry certification assessments.~~
- ~~4. District-developed or district-selected end-of-course assessments.~~
- ~~5. Teacher-selected or principal-selected assessments.~~

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

~~(b)(d) The Commissioner of Education shall identify methods to assist and support districts in measuring student performance on the state standards by maintaining a statewide the development and acquisition of~~

~~assessments required under this subsection. Methods may include developing item bank banks, facilitating the sharing of developed tests or test items among school districts, acquiring assessments from state and national curriculum-area organizations, and providing technical assistance in best assessment professional practices. The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability of test development based upon state-adopted curriculum standards, administration, and security.~~

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

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than the week of June 8, except for results of assessments administered in the 2014-2015 school year. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

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

1. Whether the assessment is a district-required assessment or a state-required assessment.
2. The specific date or dates that each assessment will be administered.
3. The time allotted to administer each assessment.
4. Whether the assessment is a computer-based assessment or a paper-based assessment.
5. The grade level or subject area associated with the assessment.

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

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

8. A glossary of assessment terminology.

9. Estimates of average time for administering state-required and district-required assessments, by grade level.

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

(d) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and 1008.44.

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

(f) A school district must provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the

superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

(g) The State Board of Education shall adopt rules for the development of the uniform calendar that, at minimum, define terms that must be used in the calendar to describe various assessments, including the terms “summative assessment,” “formative assessment,” and “interim assessment.”

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

1008.24 Test administration and security; public records exemption.—

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

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

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

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

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

(2) ~~COMPREHENSIVE STUDENT PROGRESSION PLAN.~~—Each district school board shall establish a comprehensive plan for student progression which must provide for a student’s progression from one grade to another based on the student’s mastery of the standards in s. 1003.41,

specifically English language arts, mathematics, science, and social studies standards. The plan must:

(a) Include criteria that emphasizes student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English language arts, mathematics, science, and social studies. High schools shall use all available assessment results, including the results of statewide, standardized English Language Arts assessments and end-of-course assessments for Algebra I and Geometry, to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by law. Thereafter, evaluation results must be provided to the student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

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

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

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

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

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

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

2. Advise parents and students to contact the principal at the student's school for information related to student eligibility requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual

instruction in higher grade level subjects; and any other ACCEL options offered by the principal, pursuant to s. 1002.3105(2)(a).

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

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

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

~~(f)(h)~~ Provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to ss. 1003.41 and 1003.4203 through attainment of industry certifications and other means of demonstrating credit requirements identified under ss. 1002.3105, 1003.4203, and 1003.4282.

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

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

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

(4) ASSESSMENT AND SUPPORT REMEDIATION.—

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

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

1. A federally required student plan such as an individual education plan;
2. A schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English Language Arts and mathematics assessments may be exempted from participation by the principal; or
3. An individualized progress monitoring plan.

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

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

(5) **READING DEFICIENCY AND PARENTAL NOTIFICATION.—**

(a) Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts assessment reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be

~~provided with intensive reading instruction until the reading deficiency is remedied.~~

(b) To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts assessment required under s. 1008.22 for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required under s. 1008.22 for grade 3, the student must be retained.

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

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

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

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

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

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

6. That the statewide, standardized English Language Arts assessment Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

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

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

(6) ELIMINATION OF SOCIAL PROMOTION.—

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

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of reading strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

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

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

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

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

5. Students with disabilities who take the statewide, standardized Reading ~~assessment or, upon implementation, the English Language Arts assessment~~ and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction remediation in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district

school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

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

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

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(b) Each school district shall:

1. Provide third grade students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including participation in the school district's summer reading camp as required under paragraph (a) and a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

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

b. Small group instruction.

- c. Reduced teacher-student ratios.
- d. More frequent progress monitoring.
- e. Tutoring or mentoring.
- f. Transition classes containing 3rd and 4th grade students.
- g. Extended school day, week, or year.

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

3. Implement a policy for the midyear promotion of a student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

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

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

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

- b. Have a reduced teacher-student ratio.

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

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

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

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, ~~reading, writing,~~ science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

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

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

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

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

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

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

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

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

1008.30 Common placement testing for public postsecondary education.

~~(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who scores Level 2 or Level 3 on grade 10 FCAT Reading or the English Language Arts assessment under s. 1008.22, as applicable, or Level 2, Level 3, or Level 4 on the Algebra I assessment under s. 1008.22. High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an alternative test identified by the State Board of Education. The high school shall use the results of the test to advise the students of any identified deficiencies and to provide 12th grade students, and require them to complete, appropriate postsecondary preparatory instruction before high school graduation. The curriculum provided under this subsection shall be identified in rule by the State Board of Education and encompass Florida's Postsecondary Readiness Competencies. Other elective courses may not be substituted for the selected postsecondary mathematics, reading, writing, or English Language Arts preparatory course unless the elective course covers the same competencies included in the postsecondary mathematics, reading, writing, or English Language Arts preparatory course.~~

Section 11. Subsection (7) of section 1008.34, Florida Statutes, is amended to read:

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

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

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

(b)1. A school or approved provider under s. 1002.45 which that receives the same or a lower school grade or school improvement rating for the 2014-2015 school year compared to the 2013-2014 school year is not subject to sanctions or penalties that would otherwise occur as a result of the 2014-2015 school grade or rating. A charter school system or a school district designated

as high performing may not lose the designation based on the 2014-2015 school grades of any of the schools within the charter school system or school district, as applicable.

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

(c) Until such time as an independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 is provided, for purposes of determining grade 3 English Language Arts student performance retention pursuant to s. 1008.25(5) and high school graduation requirements pursuant to s. 1003.4282, student performance on the 2014-2015 statewide, standardized assessments shall be linked to 2013-2014 student performance expectations. Students who score in the bottom quintile on the 2014-2015 grade 3 English Language Arts assessment shall be identified as students at risk of retention. School districts must notify parents of such students, provide evidence as outlined in s. 1008.25(6)(b), and provide the appropriate intervention and support services for student success in grade 4.

(d)1. An independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 must be completed before the 2014-2015 school grades results may be published and before the student performance data resulting from such assessments may be used for purposes of instructional personnel and school administrator evaluations.

2. The independent entity must be selected by a panel consisting of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives. In selecting the independent entity, the panel must consider, at a minimum:

a. The national reputation and length of establishment of the entity;

b. The experience and expertise of the independent entity in validating such data; and

c. The use of professional standards, codes, and guidelines that address applicable practices in the profession, such as the Standards for Educational and Psychological Testing.

3. The panel must select the independent entity no later than June 1, 2015. Upon selection of the independent entity, the Department of Education shall immediately contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015. This paragraph is repealed December 31, 2015.

This subsection is repealed July 1, 2017.

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

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the Department of Education in addition to the information required under subsection (5).

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

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

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

2. An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8). ~~The commissioner shall include in the report each district's performance-level standards established under subsection (7), a comparative analysis of the district's student academic performance results and evaluation results,~~

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

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

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

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

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

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

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

1. Highly effective.
2. Effective.
3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
4. Unsatisfactory.

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

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

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

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

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

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

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

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

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

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

are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 20 percent.

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

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

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

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

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

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

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

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

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

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

2. Within 14 days after the close of the 90 calendar days, the evaluator must evaluate whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within 14 days after receiving the evaluator's recommendation, the district school superintendent must notify the employee who holds a professional service

contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the district school superintendent will recommend that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the district school superintendent's recommendation, the employee must, within 15 days after receipt of the district school superintendent's recommendation, submit a written request for a hearing. The hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

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

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

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

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

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

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

(b) Each school district shall measure student learning growth using the formulas approved by the commissioner under paragraph (a) and the standards for performance levels adopted by the state board under subsection (8) for courses associated with the statewide, standardized assessments administered under s. 1008.22 no later than the school year immediately following the year the formula is approved by the commissioner. For grades and subjects not assessed by statewide, standardized assessments ~~but otherwise assessed as required under s. 1008.22(6)~~, each school district shall measure student performance of students using a methodology determined by the district. ~~The department shall provide models for measuring performance of students which school districts may adopt.~~

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

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

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

of the instructional team's students on statewide assessments. This paragraph expires July 1, 2015.

(8) RULEMAKING.—~~No later than August 1, 2015,~~ the State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 which establish uniform procedures and format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators; specific, discrete standards for each performance level required under subsection (2), based on student learning growth models approved by the commissioner, to ensure clear and sufficient differentiation in the performance levels and to provide consistency in meaning across school districts; the measurement of student learning growth and associated implementation procedures required under subsection (7); and a process for monitoring school district implementation of evaluation systems in accordance with this section. Specifically, the rules shall establish ~~student performance levels that if not met will result in the employee receiving an unsatisfactory performance evaluation rating. In like manner, the rules shall establish a student performance level that must be met in order for an employee to receive a highly effective rating and a student learning growth standard that must be met in order for an employee to receive an effective rating.~~

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

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

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

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

1012.98 School Community Professional Development Act.—

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

Section 15. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor April 14, 2015.

Filed in Office Secretary of State April 14, 2015.