

17-00112B-15

1 A bill to be entitled
2 An act relating to education accountability; amending
3 s. 1008.22, F.S.; revising requirements for the
4 administration of local assessments; transferring
5 provisions relating to district school board policies
6 regarding assessments; restricting the amount of
7 school hours that a school district may dedicate to
8 administer specified assessments; requiring a school
9 district to secure consent of a student's parent if
10 school hours dedicated to the administration of local
11 assessments exceed the threshold amount; authorizing a
12 student to take an examination or assessment adopted
13 pursuant to State Board of Education rule; amending s.
14 1012.34, F.S.; revising the percentage thresholds for
15 performance evaluation criteria for instructional
16 personnel and school administrators; specifying
17 standards for the content and the administration of
18 local assessments; specifying requirements for
19 eligibility of salary adjustments for instructional
20 personnel or school administrators; requiring the
21 state board to adopt rules by a certain date; amending
22 s. 1012.22, F.S.; conforming provisions to changes
23 made by the act; amending s. 1008.34, F.S.; adding
24 references to school improvement ratings; authorizing
25 a school district to request approval from the state
26 board to use student performance results on new
27 statewide assessments for diagnostic and baseline
28 purposes; requiring a district school superintendent
29 to submit the waiver request to the Commissioner of

17-00112B-15

30 Education; specifying required content of a waiver
31 request; requiring the commissioner to review and make
32 recommendations to the state board regarding each
33 waiver request; specifying conditions and requirements
34 for a school that is granted a waiver for the 2014-
35 2015 school year; providing for expiration; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Subsection (6) of section 1008.22, Florida
41 Statutes, is amended to read:

42 1008.22 Student assessment program for public schools.-

43 (6) LOCAL ASSESSMENTS.-

44 (a) Measurement of student performance in all subjects and
45 grade levels, except those subjects and grade levels measured
46 under the statewide, standardized assessment program described
47 in this section, is the responsibility of the school districts.

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

57 ~~1. Statewide assessments.~~

58 ~~2. Other standardized assessments, including nationally~~

17-00112B-15

59 ~~recognized standardized assessments.~~

60 ~~3. Industry certification assessments.~~

61 ~~4. District developed or district selected end-of-course~~
62 ~~assessments.~~

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

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

77 ~~(d)~~ The Commissioner of Education shall identify methods to
78 assist and support districts in the development and acquisition
79 of local assessments ~~required under this subsection~~. Methods may
80 include developing item banks, facilitating the sharing of
81 developed tests among school districts, acquiring assessments
82 from state and national curriculum-area organizations, and
83 providing technical assistance in best professional practices of
84 test development based upon state-adopted curriculum standards,
85 administration, and security.

86 ~~(c)(e)~~ Each school district shall establish schedules for
87 the administration of any district-required local ~~district-~~

17-00112B-15

88 ~~mandated~~ assessment and approve the schedules as an agenda item
89 at a district school board meeting. A school district may not
90 schedule more than 5 percent of total school hours to administer
91 statewide, standardized assessments and district-required local
92 assessments. If a school district requires more than 5 percent
93 of total school hours to administer district-required local
94 assessments, the district must secure written consent from a
95 student's parent before administering the district-required
96 local assessments. Notwithstanding this paragraph, a student
97 may, within a school year, choose to take an examination or
98 assessment adopted pursuant to State Board of Education rule
99 pursuant to this section and s. 1008.30. The school district
100 shall publish its ~~the~~ testing schedules on its website, clearly
101 specifying the district-required local ~~district-mandated~~
102 assessments, and report the schedules to the Department of
103 Education by October 1 of each year.

104 Section 2. Paragraph (a) of subsection (3) and subsections
105 (7) and (8) of section 1012.34, Florida Statutes, are amended to
106 read:

107 1012.34 Personnel evaluation procedures and criteria.—

108 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
109 personnel and school administrator performance evaluations must
110 be based upon the performance of students assigned to their
111 classrooms or schools, as provided in this section. Pursuant to
112 this section, a school district's performance evaluation is not
113 limited to basing unsatisfactory performance of instructional
114 personnel and school administrators solely upon student
115 performance, but may include other criteria approved to evaluate
116 instructional personnel and school administrators' performance,

17-00112B-15

117 or any combination of student performance and other approved
118 criteria. Evaluation procedures and criteria must comply with,
119 but are not limited to, the following:

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

129 1. Performance of students.—At least 40 ~~50~~ percent of a
130 performance evaluation must be based upon data and indicators of
131 student learning growth assessed annually by statewide
132 assessments or, for subjects and grade levels not measured by
133 statewide assessments, by school district assessments pursuant
134 to subsection (7) ~~as provided in s. 1008.22(6)~~. Each school
135 district must use the formula adopted pursuant to paragraph
136 (7)(a) for measuring student learning growth in all courses
137 associated with statewide assessments and must select an equally
138 appropriate formula for measuring student learning growth for
139 all other grades and subjects, except as otherwise provided in
140 subsection (7).

141 a. For classroom teachers, as defined in s. 1012.01(2)(a),
142 excluding substitute teachers, the student learning growth
143 portion of the evaluation must include growth data for students
144 assigned to the teacher over the course of at least 3 years. If
145 less than 3 years of data are available, the years for which

17-00112B-15

146 data are available must be used and the percentage of the
147 evaluation based upon student learning growth may be reduced to
148 not less than 30 ~~40~~ percent.

149 b. For instructional personnel who are not classroom
150 teachers, the student learning growth portion of the evaluation
151 must include growth data on statewide assessments for students
152 assigned to the instructional personnel over the course of at
153 least 3 years, or may include a combination of student learning
154 growth data and other measurable student outcomes that are
155 specific to the assigned position, provided that the student
156 learning growth data accounts for not less than 30 percent of
157 the evaluation. If less than 3 years of student growth data are
158 available, the years for which data are available must be used
159 and the percentage of the evaluation based upon student learning
160 growth may be reduced to not less than 20 percent.

161 c. For school administrators, the student learning growth
162 portion of the evaluation must include growth data for students
163 assigned to the school over the course of at least 3 years. If
164 less than 3 years of data are available, the years for which
165 data are available must be used and the percentage of the
166 evaluation based upon student learning growth may be reduced to
167 not less than 30 ~~40~~ percent.

168 2. Instructional practice.—At least 30 percent of a
169 performance evaluation ~~criteria used~~ when annually observing
170 classroom teachers, as defined in s. 1012.01(2)(a), excluding
171 substitute teachers, must include indicators based upon each of
172 the Florida Educator Accomplished Practices adopted by the State
173 Board of Education. For instructional personnel who are not
174 classroom teachers, evaluation criteria must be based upon

17-00112B-15

175 indicators of the Florida Educator Accomplished Practices and
176 may include specific job expectations related to student
177 support.

178 3. Instructional leadership.—At least 30 percent of a
179 performance evaluation for school administrators, evaluation
180 criteria must include indicators based upon each of the
181 leadership standards adopted by the State Board of Education
182 under s. 1012.986, including performance measures related to the
183 effectiveness of classroom teachers in the school, the
184 administrator's appropriate use of evaluation criteria and
185 procedures, recruitment and retention of effective and highly
186 effective classroom teachers, improvement in the percentage of
187 instructional personnel evaluated at the highly effective or
188 effective level, and other leadership practices that result in
189 student learning growth. The system may include a means to give
190 parents and instructional personnel an opportunity to provide
191 input into the administrator's performance evaluation.

192 4. Professional and job responsibilities.—For instructional
193 personnel and school administrators, no more than 30 percent of
194 a performance evaluation must include other professional and job
195 responsibilities ~~must be included~~ as adopted by the State Board
196 of Education. The district school board may identify additional
197 professional and job responsibilities.

198 (7) MEASUREMENT OF STUDENT LEARNING GROWTH; STATE AND LOCAL
199 ASSESSMENTS.—

200 (a) The Commissioner of Education shall approve a formula
201 to measure individual student learning growth on the statewide,
202 standardized assessments in English Language Arts and
203 mathematics administered under s. 1008.22. The formula must take

17-00112B-15

204 into consideration each student's prior academic performance.
205 The formula must not set different expectations for student
206 learning growth based upon a student's gender, race, ethnicity,
207 or socioeconomic status. In the development of the formula, the
208 commissioner shall consider other factors such as a student's
209 attendance record, disability status, or status as an English
210 language learner. The commissioner shall select additional
211 formulas as appropriate for the remainder of the statewide
212 assessments included under s. 1008.22 and continue to select
213 formulas as new assessments are implemented in the state system.
214 After the commissioner approves the formula to measure
215 individual student learning growth, the State Board of Education
216 shall adopt these formulas in rule.

217 (b) For courses associated with the statewide, standardized
218 assessments under s. 1008.22, each school district shall measure
219 student learning growth using the formulas approved by the
220 commissioner under paragraph (a) ~~for courses associated with the~~
221 ~~statewide, standardized assessments administered under s.~~
222 ~~1008.22~~ no later than the school year immediately following the
223 year the formula is approved by the commissioner.

224 (c) For grades and subjects not assessed by statewide,
225 standardized assessments, but otherwise locally assessed
226 pursuant to paragraph (d) ~~as required under s. 1008.22(6),~~ each
227 school district shall measure performance of students using a
228 methodology determined by the district. The department shall
229 provide models for measuring performance of students which
230 school districts may adopt. However, for a course that is not
231 measured by a statewide, standardized assessment:

232 1.(e) ~~For a course that is not measured by a statewide,~~

17-00112B-15

233 ~~standardized assessment,~~ A school district may request, through
234 the evaluation system approval process, to use a student's
235 achievement level rather than student learning growth if
236 achievement is demonstrated to be a more appropriate measure of
237 classroom teacher performance. A school district may also
238 request to use a combination of student learning growth and
239 achievement, if appropriate.

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

247 3.(e) For purposes of this section and only for the 2014-
248 2015 school year, a school district may use measurable learning
249 targets on local assessments administered under paragraph (d)
250 and s. 1008.22(6) to evaluate the performance of students
251 portion of a classroom teacher's evaluation ~~for courses that are~~
252 ~~not assessed by statewide, standardized assessments.~~ Learning
253 targets must be approved by the school principal. A district
254 school superintendent may assign to instructional personnel in
255 an instructional team the student learning growth of the
256 instructional team's students on statewide assessments. This
257 subparagraph ~~paragraph~~ expires July 1, 2015.

258 (d)1. Pursuant to s. 1008.22(6), school districts are
259 responsible for the measurement of student performance in all
260 subjects and grade levels, except those subjects and grade
261 levels measured under the statewide, standardized assessment

17-00112B-15

262 program. For subjects and grade levels not measured under the
263 statewide, standardized program, each school district is
264 responsible for administering local assessments that measure
265 student mastery of course content at the necessary level of
266 rigor. As adopted pursuant to State Board of Education rule,
267 course content is set forth in the state standards required by
268 s. 1003.41 and in the course description. Local assessments may
269 include:

- 270 a. Statewide assessments.
- 271 b. Other standardized assessments, including nationally
272 recognized standardized assessments.
- 273 c. Industry certification assessments.
- 274 d. District-developed or district-selected assessments.
- 275 e. Teacher-selected or principal-selected assessments.

276 2. Each district school board must adopt policies for
277 selection, development, administration, and scoring of local
278 assessments and for collection of assessment results. Local
279 assessments may include a variety of assessment formats,
280 including, but not limited to, project-based assessments,
281 adjudicated performances, and practical application assignments.
282 For all English Language Arts, mathematics, science, and social
283 studies courses offered in the district which are used to meet
284 graduation requirements under s. 1002.3105, s. 1003.4281, or s.
285 1003.4282 and which are not otherwise assessed by statewide,
286 standardized assessments, the district school board must select
287 the assessments described in sub-subparagraphs (d)1.a.-d. For an
288 instructional personnel employee or school administrator to be
289 eligible for salary adjustment under the performance salary
290 schedule, pursuant to s. 1012.22, the student performance

17-00112B-15

291 component of his or her performance evaluation must be based on
292 an assessment described in sub-subparagraphs (d)1.a.-d. using a
293 methodology determined by the school district pursuant to
294 paragraph (c).

295 (8) RULEMAKING.—No later than August 1, 2015, the State
296 Board of Education shall adopt rules pursuant to ss. 120.536(1)
297 and 120.54 which establish uniform procedures for the
298 submission, review, and approval of district evaluation systems
299 and reporting requirements for the annual evaluation of
300 instructional personnel and school administrators; specific,
301 discrete standards for each performance level required under
302 subsection (2) to ensure clear and sufficient differentiation in
303 the performance levels and to provide consistency in meaning
304 across school districts; the measurement of student learning
305 growth and associated implementation procedures required under
306 subsection (7); and a process for monitoring school district
307 implementation of evaluation systems in accordance with this
308 section. Specifically, the rules shall establish student
309 performance levels that if not met will result in the employee
310 receiving an unsatisfactory performance evaluation rating. In
311 like manner, the rules shall establish a student performance
312 level that must be met in order for an employee to receive a
313 highly effective rating and a student learning growth standard
314 that must be met in order for an employee to receive an
315 effective rating.

316 Section 3. Paragraph (c) of subsection (1) of section
317 1012.22, Florida Statutes, is amended to read:

318 1012.22 Public school personnel; powers and duties of the
319 district school board.—The district school board shall:

17-00112B-15

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

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

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

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

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

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

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

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

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

344 g. "Supplement" means an annual addition to the base salary
345 for the term of the negotiated supplement as long as the
346 employee continues his or her employment for the purpose of the
347 supplement. A supplement does not become part of the employee's
348 continuing base salary but shall be considered compensation

17-00112B-15

349 under s. 121.021(22).

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

352 a. Does not discriminate among comparable classes of
353 employees based upon the salary schedule under which they are
354 compensated.

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

357 3. Advanced degrees.—A district school board may not use
358 advanced degrees in setting a salary schedule for instructional
359 personnel or school administrators hired on or after July 1,
360 2011, unless the advanced degree is held in the individual's
361 area of certification and is only a salary supplement.

362 4. Grandfathered salary schedule.—

363 a. The district school board shall adopt a salary schedule
364 or salary schedules to be used as the basis for paying all
365 school employees hired before July 1, 2014. Instructional
366 personnel on annual contract as of July 1, 2014, shall be placed
367 on the performance salary schedule adopted under subparagraph 5.
368 Instructional personnel on continuing contract or professional
369 service contract may opt into the performance salary schedule if
370 the employee relinquishes such contract and agrees to be
371 employed on an annual contract under s. 1012.335. Such an
372 employee shall be placed on the performance salary schedule and
373 may not return to continuing contract or professional service
374 contract status. Any employee who opts into the performance
375 salary schedule may not return to the grandfathered salary
376 schedule.

377 b. In determining the grandfathered salary schedule for

17-00112B-15

378 instructional personnel, a district school board must base a
379 portion of each employee's compensation upon performance
380 demonstrated under s. 1012.34 and shall provide differentiated
381 pay for both instructional personnel and school administrators
382 based upon district-determined factors, including, but not
383 limited to, additional responsibilities, school demographics,
384 critical shortage areas, and level of job performance
385 difficulties.

386 5. Performance salary schedule.—By July 1, 2014, the
387 district school board shall adopt a performance salary schedule
388 that provides annual salary adjustments for instructional
389 personnel and school administrators based upon performance
390 determined under s. 1012.34. Employees hired on or after July 1,
391 2014, or employees who choose to move from the grandfathered
392 salary schedule to the performance salary schedule shall be
393 compensated pursuant to the performance salary schedule once
394 they have received the appropriate performance evaluation for
395 this purpose. However, a classroom teacher whose performance
396 evaluation uses ~~utilizes~~ student learning growth measures
397 established under s. 1012.34(7)(c)3. ~~s. 1012.34(7)(c)~~ shall
398 remain under the grandfathered salary schedule until his or her
399 teaching assignment changes to a subject for which there is a
400 statewide, standardized assessment or district-required local ~~an~~
401 assessment or the school district establishes equally
402 appropriate measures of student learning growth as defined under
403 s. 1012.34 and rules of the State Board of Education.

404 a. Base salary.—The base salary shall be established as
405 follows:

406 (I) The base salary for instructional personnel or school

17-00112B-15

407 administrators who opt into the performance salary schedule
408 shall be the salary paid in the prior year, including
409 adjustments only.

410 (II) Beginning July 1, 2014, instructional personnel or
411 school administrators new to the district, returning to the
412 district after a break in service without an authorized leave of
413 absence, or appointed for the first time to a position in the
414 district in the capacity of instructional personnel or school
415 administrator shall be placed on the performance salary
416 schedule.

417 b. Salary adjustments.—Salary adjustments for highly
418 effective or effective performance shall be established as
419 follows:

420 (I) The annual salary adjustment under the performance
421 salary schedule for an employee rated as highly effective must
422 be greater than the highest annual salary adjustment available
423 to an employee of the same classification through any other
424 salary schedule adopted by the district.

425 (II) The annual salary adjustment under the performance
426 salary schedule for an employee rated as effective must be equal
427 to at least 50 percent and no more than 75 percent of the annual
428 adjustment provided for a highly effective employee of the same
429 classification.

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

433 c. Salary supplements.—In addition to the salary
434 adjustments, each district school board shall provide for salary
435 supplements for activities that must include, but are not

17-00112B-15

436 limited to:

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

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

442 (III) Certification and teaching in critical teacher
443 shortage areas. Statewide critical teacher shortage areas shall
444 be identified by the State Board of Education under s. 1012.07.
445 However, the district school board may identify other areas of
446 critical shortage within the school district for purposes of
447 this sub-sub-subparagraph and may remove areas identified by the
448 state board which do not apply within the school district.

449 (IV) Assignment of additional academic responsibilities.

450

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

457 Section 4. Subsection (7) of section 1008.34, Florida
458 Statutes, is amended to read:

459 1008.34 School grading system; school report cards;
460 district grade.-

461 (7) TRANSITION.-School grades pursuant to this section and
462 school improvement ratings pursuant to s. 1008.341 for the 2013-
463 2014 school year shall be calculated based on statutes and rules
464 in effect on June 30, 2014. To assist in the transition to 2014-

17-00112B-15

465 2015 school grades and school improvement ratings, calculated
466 based on new statewide, standardized assessments administered
467 pursuant to s. 1008.22, the 2014-2015 school grades and school
468 improvement ratings shall serve as an informational baseline for
469 schools to work toward improved performance in future years.
470 Accordingly, notwithstanding any other provision of law:

471 (a) A school may not be required to select and implement a
472 turnaround option pursuant to s. 1008.33 in the 2015-2016 school
473 year based on the school's 2014-2015 grade or school improvement
474 rating under s. 1008.341, as applicable.

475 (b)1. A school or approved provider under s. 1002.45 that
476 receives the same or a lower school grade or school improvement
477 rating for the 2014-2015 school year compared to the 2013-2014
478 school year is not subject to sanctions or penalties that would
479 otherwise occur as a result of the 2014-2015 school grade or
480 rating. A charter school system or a school district designated
481 as high performing may not lose the designation based on the
482 2014-2015 school grades of any of the schools within the charter
483 school system or school district, as applicable.

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

487 (c) For purposes of determining grade 3 retention pursuant
488 to s. 1008.25(5) and high school graduation pursuant to s.
489 1003.4282, student performance on the 2014-2015 statewide,
490 standardized assessments shall be linked to 2013-2014 student
491 performance expectations.

492
493 This subsection is repealed July 1, 2017.

17-00112B-15

494 Section 5. School district contingency plan.-
495 Notwithstanding s. 1008.34(7), Florida Statutes, a school
496 district may, by supermajority vote of the district school
497 board, request approval from the State Board of Education to
498 waive all requirements and benefits outlined in s. 1008.34(7),
499 Florida Statutes, and instead use results from student
500 performance on the new statewide, standardized assessments
501 administered in the 2014-2015 school year pursuant to s.
502 1008.22, Florida Statutes, for diagnostic and baseline purposes
503 only.

504 (1) A school district's request must be submitted to the
505 Commissioner of Education by the school district superintendent,
506 during the period from the last day of administration of
507 statewide, standardized assessments through June 5, 2015, in
508 accordance with the guidelines established by the commissioner.
509 At a minimum, the request, must include identification of:

510 (a) The scope of the request, to apply either to the school
511 district or to a school or certain schools within the school
512 district. The request must be made at a district or school
513 level. The request may not be made at a grade level, a subject-
514 area level or another level.

515 (b) The reason for the request, including a description of
516 the systemic or unique implementation failure. Quantifiable data
517 substantiating the reason for such failure must accompany the
518 request. A school district's inability to assess the minimum
519 percentage of students pursuant to ss. 1008.34 and 1008.341,
520 Florida Statutes, does not, in itself, constitute a reasonable
521 justification for requesting the waiver under this section.

522 (c) The school district's corrective action plan and

17-00112B-15

523 certification that the identified implementation failure must be
524 resolved in time for successful administration of the statewide,
525 standardized assessments during the 2015-2016 school year and
526 each school year thereafter. The district must identify how the
527 district plans to allocate resources and technical assistance
528 that the district needs from the Department of Education to
529 facilitate the district's successful resolution of deficiencies.

530 (d) The school district's plan for using the diagnostic
531 data to facilitate continuous improvement in student performance
532 and the effectiveness of schools, instructional personnel, and
533 school administrators; public reporting on the performance of
534 students, schools, and the district; and informing parents about
535 instruction associated with remediation and retention and
536 options available to students including acceleration,
537 graduation, and school choice. The district must also describe
538 its plans for implementing student progression plans,
539 performance evaluations of instructional personnel and school
540 administrators, performance salary schedule requirements, and
541 other uses as identified by the commissioner.

542 (2) The commissioner shall review each request for a waiver
543 and consult with the applicable school district superintendent.
544 The commissioner shall make, and provide reasons for,
545 recommendations to the State Board of Education regarding
546 granting or denying a request for waiver. The state board shall
547 consider recommendations made by the commissioner to approve or
548 deny school district requests. Notwithstanding any other
549 provision of law, the commissioner's recommendation to approve
550 may, after consultation with the school district superintendent,
551 include conditional requirements that must apply if approved by

17-00112B-15

552 the state board. The decision of the state board is final.

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

555 (a) A school or a school district may not receive a school
556 grade, school improvement rating, or school district grade, as
557 applicable.

558 (b) A school may, at the school district's discretion,
559 choose to use new statewide, standardized assessment results in
560 performance evaluations of instructional personnel and school
561 administrators.

562 (c) A school district shall continue to have its student
563 performance results included in the statewide, standardized
564 assessment results published by the department pursuant to s.
565 1008.22, Florida Statutes.

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

569 (e) A school district shall forfeit the district's
570 eligibility to earn the designation and benefits associated with
571 high performing school districts pursuant to s. 1003.621,
572 Florida Statutes.

573
574 This section expires July 1, 2016.

575 Section 6. This act shall take effect upon becoming a law.