



Education Committee

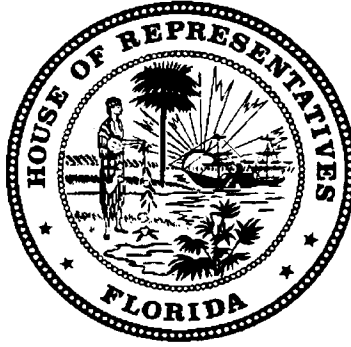
**Monday, March 9, 2015
3:00 p.m. – 5:00 p.m.**

102 HOB

Meeting Packet

**Steve Crisafulli
Speaker**

**H. Marlene O'Toole
Chair**



AGENDA

“Our number one priority in education is to ensure that our schools are focused on student success”

Education Committee
Monday, March 9, 2015
3:00 a.m. – 10:00 a.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill:
 - PCB EDC 15-04 -- Education Accountability
- IV. Closing Remarks and Adjournment

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

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

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

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

81

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

83

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

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

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

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

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

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

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

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

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

123 1003.4156 General requirements for middle grades
 124 promotion.—

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

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

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

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

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

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

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

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

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

157 1003.4285 Standard high school diploma designations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219 1008.22 Student assessment program for public schools.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

387 | (d) Implementation schedule.—

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

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

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

402 (e) Assessment scores and achievement levels.—

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

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

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

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

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

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

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

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

466 2. Providing individualized instruction in assessment-
 467 taking strategies, without suspending the school's regular
 468 program of curricula, for a student who scores Level 1 or Level

469 2 on a prior administration of an assessment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

576 (a) The Commissioner of Education shall establish
 577 schedules for the administration of statewide, standardized
 578 assessments and the reporting of student assessment results. The
 579 commissioner shall consider the observance of religious and
 580 school holidays when developing the schedules. The assessment
 581 and reporting schedules must provide the earliest possible
 582 reporting of student assessment results to the school districts.

583 Assessment results for the statewide, standardized ELA and
 584 Mathematics assessments and all statewide, standardized EOC
 585 assessments must be made available no later than the week of
 586 June 8, except for results of assessments administered in the
 587 2014-2015 school year. School districts shall administer
 588 statewide, standardized assessments in accordance with the
 589 schedule established by the commissioner.

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

- 598 1. Whether the assessment is a district-required

599 assessment or a state-required assessment.
 600 2. The specific date or dates that each assessment will be
 601 administered.
 602 3. The time allotted to administer each assessment.
 603 4. Whether the assessment is a computer-based assessment
 604 or a paper-based assessment.
 605 5. The grade level or subject area associated with the
 606 assessment.
 607 6. The date that the assessment results are expected to be
 608 available to teachers and parents.
 609 7. The type of assessment, the purpose of the assessment,
 610 and the use of the assessment results.
 611 8. A glossary of assessment terminology.
 612 (c) Each school district shall establish schedules for the
 613 administration of any statewide, standardized assessments and
 614 district-required assessments and approve the schedules as an
 615 agenda item at a district school board meeting. Each school
 616 district shall publish the testing schedules on its website
 617 using the uniform calendar, including all information required
 618 under paragraph (b), and submit the schedules to the Department
 619 of Education by October 1 of each year. Each public school shall
 620 publish schedules for statewide, standardized assessments and
 621 district-required assessments on its website using the uniform
 622 calendar, including all information required under paragraph
 623 (b). The uniform calendar must be included in the parent guide
 624 required by s. 1002.23(5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

806 3. An individualized progress monitoring plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

957 2. The school principal shall review the recommendation
 958 with the teacher and, if feasible, the student's parent before
 959 determining whether the student should be promoted or retained.
 960 If the school principal determines that the student should be
 961 promoted, the school principal shall make such recommendation in
 962 writing to the district school superintendent. The district

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

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

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

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

987 ~~2. The school principal shall review and discuss such~~
 988 ~~recommendation with the teacher and make the determination as to~~

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

995 (6)~~(7)~~ SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 996 STUDENTS. -

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

1010 ~~(b) Each school district shall:~~
 1011 ~~1. Provide third grade students who are retained under the~~
 1012 ~~provisions of paragraph (5) (b) with intensive instructional~~
 1013 ~~services and supports to remediate the identified areas of~~
 1014 ~~reading deficiency, including participation in the school~~

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

1023 a. ~~Integration of science and social studies content~~
 1024 ~~within the 90 minute block.~~

1025 b. ~~Small group instruction.~~

1026 c. ~~Reduced teacher student ratios.~~

1027 d. ~~More frequent progress monitoring.~~

1028 e. ~~Tutoring or mentoring.~~

1029 f. ~~Transition classes containing 3rd and 4th grade~~
 1030 ~~students.~~

1031 g. ~~Extended school day, week, or year.~~

1032 (b) Each school district shall establish at each school,
 1033 when applicable, an intensive reading acceleration course for
 1034 any student retained in grade 3 who was previously retained in
 1035 kindergarten, grade 1, or grade 2. The intensive reading
 1036 acceleration course must provide all instruction and support
 1037 included in the district's K-12 comprehensive reading plan as
 1038 required by s. 1011.62(9)(c).

1039 (c) Each school district shall:

1040 1.2. Provide written notification to the parent of a

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

1049 2.3- Implement a policy for the midyear promotion of a
 1050 retained student who demonstrates satisfactory performance in
 1051 reading and progress sufficient to master next-grade content
 1052 standards based on criteria established by the district school
 1053 board student retained under the provisions of paragraph (5) (b)
 1054 who can demonstrate that he or she is a successful and
 1055 independent reader and performing at or above grade level in
 1056 reading or, upon implementation of English Language Arts
 1057 assessments, performing at or above grade level in English
 1058 Language Arts. Tools that school districts may use in
 1059 reevaluating a student retained may include subsequent
 1060 assessments, alternative assessments, and portfolio reviews, in
 1061 accordance with rules of the State Board of Education.

1062 ~~4. Provide students who are retained under the provisions~~
 1063 ~~of paragraph (5) (b) with a highly effective teacher as~~
 1064 ~~determined by the teacher's performance evaluation under s.~~
 1065 ~~1012.34.~~

1066 ~~5. Establish at each school, when applicable, an Intensive~~

1067 ~~Acceleration Class for retained grade 3 students who~~
 1068 ~~subsequently score Level 1 on the required statewide,~~
 1069 ~~standardized assessment identified in s. 1008.22. The focus of~~
 1070 ~~the Intensive Acceleration Class shall be to increase a child's~~
 1071 ~~reading and English Language Arts skill level at least two grade~~
 1072 ~~levels in 1 school year. The Intensive Acceleration Class shall:~~
 1073 ~~a. Be provided to a student in grade 3 who scores Level 1~~
 1074 ~~on the statewide, standardized Reading assessment or, upon~~
 1075 ~~implementation, the English Language Arts assessment and who was~~
 1076 ~~retained in grade 3 the prior year because of scoring Level 1.~~
 1077 ~~b. Have a reduced teacher student ratio.~~
 1078 ~~c. Provide uninterrupted reading instruction for the~~
 1079 ~~majority of student contact time each day and incorporate~~
 1080 ~~opportunities to master the grade 4 Next Generation Sunshine~~
 1081 ~~State Standards in other core subject areas.~~
 1082 ~~d. Use a reading program that is scientifically research-~~
 1083 ~~based and has proven results in accelerating student reading~~
 1084 ~~achievement within the same school year.~~
 1085 ~~e. Provide intensive language and vocabulary instruction~~
 1086 ~~using a scientifically research-based program, including use of~~
 1087 ~~a speech language therapist.~~

1088 (7)-(8) ANNUAL REPORT.-

1089 (a) In addition to the requirements in paragraph (5) (b),
 1090 each district school board must annually report to the parent of
 1091 each student the progress of the student toward achieving state
 1092 and district expectations for proficiency in English language

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

1101 (b) Each district school board must annually publish on
 1102 the district website ~~and in the local newspaper~~ the following
 1103 information on the prior school year:

1104 1. The provisions of this section relating to public
 1105 school student progression and the district school board's
 1106 policies and procedures on student retention and promotion.

1107 2. By grade, the number and percentage of all students in
 1108 grades 3 through 10 performing at Levels 1 and 2 on the
 1109 statewide, standardized English Language Arts assessment reading
 1110 ~~portion of the FCAT~~.

1111 3. By grade, the number and percentage of all students
 1112 retained in kindergarten ~~grades 3~~ through grade 10.

1113 4. Information on the total number of students who were
 1114 promoted using the alternative assessment under subparagraph
 1115 (5)(b)1., using a student portfolio under subparagraph (5)(b)2.,
 1116 or for good cause, by each category of good cause as specified
 1117 in paragraph (5)(c) ~~(6)(b)~~.

1118 5. Any revisions to the district school board's policies

1119 | and procedures ~~policy~~ on student retention and promotion from
 1120 | the prior year.

1121 | (8)~~(9)~~ RULEMAKING.—The State Board of Education shall
 1122 | adopt rules pursuant to ss. 120.536(1) and 120.54 for the
 1123 | administration of this section.

1124 | Section 10. Subsection (3) of section 1008.30, Florida
 1125 | Statutes, is amended to read:

1126 | 1008.30 Common placement testing for public postsecondary
 1127 | education.—

1128 | ~~(3) The State Board of Education shall adopt rules that
 1129 | require high schools to evaluate before the beginning of grade
 1130 | 12 the college readiness of each student who scores Level 2 or
 1131 | Level 3 on grade 10 FCAT Reading or the English Language Arts
 1132 | assessment under s. 1008.22, as applicable, or Level 2, Level 3,
 1133 | or Level 4 on the Algebra I assessment under s. 1008.22. High
 1134 | schools shall perform this evaluation using results from the
 1135 | corresponding component of the common placement test prescribed
 1136 | in this section, or an alternative test identified by the State
 1137 | Board of Education. The high school shall use the results of the
 1138 | test to advise the students of any identified deficiencies and
 1139 | to provide 12th grade students, and require them to complete,
 1140 | appropriate postsecondary preparatory instruction before high
 1141 | school graduation. The curriculum provided under this subsection
 1142 | shall be identified in rule by the State Board of Education and
 1143 | encompass Florida's Postsecondary Readiness Competencies. Other
 1144 | elective courses may not be substituted for the selected~~

1145 ~~postsecondary mathematics, reading, writing, or English Language~~
 1146 ~~Arts preparatory course unless the elective course covers the~~
 1147 ~~same competencies included in the postsecondary mathematics,~~
 1148 ~~reading, writing, or English Language Arts preparatory course.~~

1149 Section 11. Paragraph (f) of subsection (1) and subsection
 1150 (9) of section 1011.62, Florida Statutes, are amended to read:

1151 1011.62 Funds for operation of schools.—If the annual
 1152 allocation from the Florida Education Finance Program to each
 1153 district for operation of schools is not determined in the
 1154 annual appropriations act or the substantive bill implementing
 1155 the annual appropriations act, it shall be determined as
 1156 follows:

1157 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1158 OPERATION.—The following procedure shall be followed in
 1159 determining the annual allocation to each district for
 1160 operation:

1161 (f) Supplemental academic instruction; categorical fund.—

1162 1. There is created a categorical fund to provide
 1163 supplemental academic instruction to students in kindergarten
 1164 through grade 12. This paragraph may be cited as the
 1165 "Supplemental Academic Instruction Categorical Fund."

1166 2. Categorical funds for supplemental academic instruction
 1167 shall be allocated annually to each school district in the
 1168 amount provided in the General Appropriations Act. These funds
 1169 shall be in addition to the funds appropriated on the basis of
 1170 FTE student membership in the Florida Education Finance Program

1171 and shall be included in the total potential funds of each
 1172 district. These funds shall be used to provide supplemental
 1173 academic instruction to students enrolled in the K-12 program
 1174 which. ~~For the 2014-2015 fiscal year, each school district that~~
 1175 ~~has one or more of the 300 lowest performing elementary schools~~
 1176 ~~based on the state reading assessment shall use these funds,~~
 1177 ~~together with the funds provided in the district's research-~~
 1178 ~~based reading instruction allocation and other available funds,~~
 1179 ~~to provide an additional hour of instruction beyond the normal~~
 1180 ~~school day for each day of the entire school year for intensive~~
 1181 ~~reading instruction for the students in each of these schools.~~
 1182 ~~This additional hour of instruction must be provided by teachers~~
 1183 ~~or reading specialists who are effective in teaching reading or~~
 1184 ~~by a K-5 mentoring reading program that is supervised by a~~
 1185 ~~teacher who is effective at teaching reading. Students enrolled~~
 1186 ~~in these schools who have level 5 assessment scores may~~
 1187 ~~participate in the additional hour of instruction on an optional~~
 1188 ~~basis. Exceptional student education centers shall not be~~
 1189 ~~included in the 300 schools. After this requirement has been~~
 1190 ~~met, supplemental instruction strategies may include, but is are~~
 1191 not limited to: modified curriculum, reading instruction, after-
 1192 school instruction, tutoring, mentoring, class size reduction,
 1193 extended school year, intensive skills development in summer
 1194 school, and other methods for improving student achievement.
 1195 Supplemental instruction may be provided to a student in any
 1196 manner and at any time during or beyond the regular 180-day term

1197 identified by the school as being the most effective and
 1198 efficient way to best help that student progress from grade to
 1199 grade and to graduate.

1200 3. Effective with the 1999-2000 fiscal year, funding on
 1201 the basis of FTE membership beyond the 180-day regular term
 1202 shall be provided in the FEFP only for students enrolled in
 1203 juvenile justice education programs or in education programs for
 1204 juveniles placed in secure facilities or programs under s.
 1205 985.19. Funding for instruction beyond the regular 180-day
 1206 school year for all other K-12 students shall be provided
 1207 through the supplemental academic instruction categorical fund
 1208 and other state, federal, and local fund sources with ample
 1209 flexibility for schools to provide supplemental instruction to
 1210 assist students in progressing from grade to grade and
 1211 graduating.

1212 4. The Florida State University School, as a lab school,
 1213 is authorized to expend from its FEFP or Lottery Enhancement
 1214 Trust Fund allocation the cost to the student of remediation in
 1215 reading, writing, or mathematics for any graduate who requires
 1216 remediation at a postsecondary educational institution.

1217 5. Beginning in the 1999-2000 school year, dropout
 1218 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 1219 (b), and (c), and 1003.54 shall be included in group 1 programs
 1220 under subparagraph (d)3.

1221 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1222 (a) The research-based reading instruction allocation is

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

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

1255 (b) Funds for comprehensive, research-based reading
 1256 instruction shall be allocated annually to each school district
 1257 in the amount provided in the General Appropriations Act. Each
 1258 eligible school district shall receive the same minimum amount
 1259 as specified in the General Appropriations Act, and any
 1260 remaining funds shall be distributed to eligible school
 1261 districts based on each school district's proportionate share of
 1262 K-12 base funding.

1263 (c) Funds allocated under this subsection must be used to
 1264 provide a system of comprehensive reading instruction to
 1265 students enrolled in the K-12 programs, ~~which~~

1266 1. The comprehensive reading system may include the
 1267 following:

1268 ~~a.1.~~ The provision of an additional hour per day of
 1269 intensive reading instruction to students in the ~~300~~ lowest-
 1270 performing elementary schools by teachers and reading
 1271 specialists who are effective in teaching reading.

1272 b.2. Kindergarten through grade 5 reading intervention
 1273 teachers to provide intensive intervention during the school day
 1274 and in the required extra hour for students identified as having

1275 a reading deficiency.

1276 ~~c.3-~~ The provision of highly qualified reading coaches to
 1277 specifically support teachers in making instructional decisions
 1278 based on student data, and improve teacher delivery of effective
 1279 reading instruction, intervention, and reading in the content
 1280 areas based on student need.

1281 ~~d.4-~~ Professional development for school district teachers
 1282 in scientifically based reading instruction, including
 1283 strategies to teach reading in content areas and with an
 1284 emphasis on technical and informational text.

1285 ~~e.5-~~ The provision of summer reading camps for all
 1286 students in kindergarten through grade 2 who demonstrate a
 1287 reading deficiency as determined by district and state
 1288 assessments, and students in grades 3 through 5 who score at
 1289 Level 1 on the statewide, standardized reading assessment or,
 1290 upon implementation, the English Language Arts assessment.

1291 ~~f.6-~~ The provision of supplemental instructional materials
 1292 that are grounded in scientifically based reading research.

1293 ~~g.7-~~ The provision of intensive interventions for students
 1294 in kindergarten through grade 12 who have been identified as
 1295 having a reading deficiency or who are reading below grade level
 1296 as determined by the statewide, standardized assessment.

1297 2. The intensive reading acceleration course under s.
 1298 1008.25(6)(b) must provide the following:

1299 a. The integration of science and social studies content
 1300 in a minimum of a 90-minute reading block.

- 1301 b. Small group instruction.
 - 1302 c. Reduced teacher-student ratios.
 - 1303 d. Tutoring, mentoring, or an extended school day, week,
 - 1304 or year.
 - 1305 e. Transition classes containing 3rd and 4th grade
 - 1306 students.
 - 1307 f. The use of a scientifically research-based reading
 - 1308 program that has proven results in accelerating student reading
 - 1309 achievement within the same school year.
 - 1310 g. Intensive language and vocabulary instruction using a
 - 1311 scientifically research-based program, including the use of a
 - 1312 speech-language therapist if necessary.
 - 1313 h. A "Read at Home" plan.
- 1314 (d) Annually, by a date determined by the Department of
- 1315 Education but before May 1, school districts shall submit a K-12
- 1316 comprehensive reading plan for the specific use of the research-
- 1317 based reading instruction allocation in the format prescribed by
- 1318 the department for review and approval by the Just Read,
- 1319 Florida! Office created pursuant to s. 1001.215. The plan
- 1320 annually submitted by school districts shall be deemed approved
- 1321 unless the department rejects the plan on or before June 1. If a
- 1322 school district and the Just Read, Florida! Office cannot reach
- 1323 agreement on the contents of the plan, the school district may
- 1324 appeal to the State Board of Education for resolution. School
- 1325 districts shall be allowed reasonable flexibility in designing
- 1326 their plans and shall be encouraged to offer reading

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

1349 Section 12. Section 1012.34, Florida Statutes, is amended
 1350 to read:

1351 1012.34 Personnel evaluation procedures and criteria.—

1352 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

1353 (a) For the purpose of increasing student academic
 1354 performance by improving the quality of instructional,
 1355 administrative, and supervisory services in the public schools
 1356 of the state, the district school superintendent shall establish
 1357 procedures for evaluating the performance of duties and
 1358 responsibilities of all instructional, administrative, and
 1359 supervisory personnel employed by the school district. The
 1360 district school superintendent shall provide instructional
 1361 personnel the opportunity to review their class rosters for
 1362 accuracy and to correct any mistakes. The district school
 1363 superintendent shall report accurate class rosters for the
 1364 purpose of calculating district and statewide student
 1365 performance and annually report the evaluation results of
 1366 instructional personnel and school administrators to the
 1367 Department of Education in addition to the information required
 1368 under subsection (5).

1369 (b) The department must approve each school district's
 1370 instructional personnel and school administrator evaluation
 1371 systems. The department shall monitor each district's
 1372 implementation of its instructional personnel and school
 1373 administrator evaluation systems for compliance with the
 1374 requirements of this section ~~and s. 1012.3401.~~

1375 (c) Annually, by February ~~December~~ 1, the Commissioner of
 1376 Education shall publish on the department's website ~~report to~~
 1377 ~~the Governor, the President of the Senate, and the Speaker of~~
 1378 ~~the House of Representatives the approval and implementation~~

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

1382 1. Performance evaluation results for the prior school
 1383 year for instructional personnel and school administrators using
 1384 the four levels of performance specified in paragraph (2)(e).
 1385 The performance evaluation results for instructional personnel
 1386 shall be disaggregated by classroom teachers, as defined in s.
 1387 1012.01(2)(a), excluding substitute teachers, and all other
 1388 instructional personnel, as defined in s. 1012.01(2)(b)-(d).

1389 2. ~~Each The commissioner shall include in the report each~~
 1390 ~~district's performance levels performance-level standards~~
 1391 ~~established under subsection (2). (7),~~

1392 3. A comparative analysis of the district's student
 1393 academic performance results and evaluation results using the
 1394 performance levels adopted under subsection (8).

1395 4. Data reported under s. 1012.341, ~~and~~

1396 5. The status of any evaluation system revisions ~~requested~~
 1397 by a school district pursuant to subsection (6).

1398 (2) EVALUATION SYSTEM REQUIREMENTS.—The evaluation systems
 1399 for instructional personnel and school administrators must:

1400 (a) Be designed to support effective instruction and
 1401 student learning growth, and performance evaluation results must
 1402 be used when developing district and school level improvement
 1403 plans.

1404 (b) Provide appropriate instruments, procedures, timely

1405 feedback, and criteria for continuous quality improvement of the
 1406 professional skills of instructional personnel and school
 1407 administrators, and performance evaluation results must be used
 1408 when identifying professional development.

1409 (c) Include a mechanism to examine performance data from
 1410 multiple sources, including opportunities for parents to provide
 1411 input into employee performance evaluations when appropriate.

1412 (d) Identify those teaching fields for which special
 1413 evaluation procedures and criteria are necessary.

1414 (e) Differentiate among four levels of performance as
 1415 follows:

- 1416 1. Highly effective.
- 1417 2. Effective.
- 1418 3. Needs improvement or, for instructional personnel in
 1419 the first 3 years of employment who need improvement,
 1420 developing.
- 1421 4. Unsatisfactory.

1422
 1423 ~~The Commissioner of Education shall consult with experts,~~
 1424 ~~instructional personnel, school administrators, and education~~
 1425 ~~stakeholders in developing the criteria for the performance~~
 1426 ~~levels.~~

1427 (f) Provide for training and monitoring programs ~~that are~~
 1428 based upon guidelines provided by the department to ensure that
 1429 all individuals with evaluation responsibilities understand the
 1430 proper use of the evaluation criteria and procedures.

1431 ~~(g) Include a process for monitoring and evaluating the~~
 1432 ~~effective and consistent use of the evaluation criteria by~~
 1433 ~~employees with evaluation responsibilities.~~

1434 ~~(h) Include a process for monitoring and evaluating the~~
 1435 ~~effectiveness of the system itself in improving instruction and~~
 1436 ~~student learning.~~

1437
 1438 In addition, each district school board may establish a peer
 1439 assistance process. This process may be a part of the regular
 1440 evaluation system or used to assist employees placed on
 1441 performance probation, newly hired classroom teachers, or
 1442 employees who request assistance.

1443 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 1444 personnel and school administrator performance evaluations must
 1445 be based upon the performance of students assigned to their
 1446 classrooms or schools, as provided in this section. Pursuant to
 1447 this section, a school district's performance evaluation system
 1448 is not limited to basing unsatisfactory performance of
 1449 instructional personnel and school administrators solely upon
 1450 student performance, but may include other criteria ~~approved~~ to
 1451 evaluate instructional personnel and school administrators'
 1452 performance, or any combination of student performance and other
 1453 ~~approved~~ criteria. Evaluation procedures and criteria must
 1454 comply with, but are not limited to, the following:

1455 (a) A performance evaluation must be conducted for each
 1456 employee at least once a year, except that a classroom teacher,

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

1464 1. Performance of students.—At least one-third ~~50 percent~~
 1465 of a performance evaluation must be based upon data and
 1466 indicators of student performance ~~learning growth~~ assessed
 1467 ~~annually by statewide assessments or, for subjects and grade~~
 1468 ~~levels not measured by statewide assessments, by school district~~
 1469 ~~assessments as provided in s. 1008.22(6). Each school district~~
 1470 ~~must use the formula adopted pursuant to paragraph (7)(a) for~~
 1471 ~~measuring student learning growth in all courses associated with~~
 1472 ~~statewide assessments and must select an equally appropriate~~
 1473 ~~formula for measuring student learning growth for all other~~
 1474 ~~grades and subjects, except as otherwise provided in accordance~~
 1475 ~~with~~ subsection (7).

1476 a. ~~For classroom teachers, as defined in s. 1012.01(2)(a),~~
 1477 ~~excluding substitute teachers, the student learning growth~~ This
 1478 portion of the evaluation must include growth or achievement
 1479 data of the teacher's students or, for a school administrator,
 1480 the students attending the school ~~for students assigned to the~~
 1481 ~~teacher~~ over the course of at least 3 years. If less than 3
 1482 years of data are available, the years for which data are

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

1487 ~~b. For instructional personnel who are not classroom~~
 1488 ~~teachers, the student learning growth portion of the evaluation~~
 1489 ~~must include growth data on statewide assessments for students~~
 1490 ~~assigned to the instructional personnel over the course of at~~
 1491 ~~least 3 years, or may include a combination of student learning~~
 1492 ~~growth data and other measurable student outcomes that are~~
 1493 ~~specific to the assigned position, provided that the student~~
 1494 ~~learning growth data accounts for not less than 30 percent of~~
 1495 ~~the evaluation. If less than 3 years of student growth data are~~
 1496 ~~available, the years for which data are available must be used~~
 1497 ~~and the percentage of the evaluation based upon student learning~~
 1498 ~~growth may be reduced to not less than 20 percent.~~

1499 ~~c. For school administrators, the student learning growth~~
 1500 ~~portion of the evaluation must include growth data for students~~
 1501 ~~assigned to the school over the course of at least 3 years. If~~
 1502 ~~less than 3 years of data are available, the years for which~~
 1503 ~~data are available must be used and the percentage of the~~
 1504 ~~evaluation based upon student learning growth may be reduced to~~
 1505 ~~not less than 40 percent.~~

1506 2. Instructional practice.—For instructional personnel, at
 1507 least one-third of the performance evaluation must be based upon
 1508 instructional practice. Evaluation criteria used when annually

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

1517 3. Instructional leadership.—For school administrators, at
 1518 least one-third of the performance evaluation must be based on
 1519 instructional leadership. Evaluation criteria for instructional
 1520 leadership must include indicators based upon each of the
 1521 leadership standards adopted by the State Board of Education
 1522 under s. 1012.986, including performance measures related to the
 1523 effectiveness of classroom teachers in the school, the
 1524 administrator's appropriate use of evaluation criteria and
 1525 procedures, recruitment and retention of effective and highly
 1526 effective classroom teachers, improvement in the percentage of
 1527 instructional personnel evaluated at the highly effective or
 1528 effective level, and other leadership practices that result in
 1529 student learning growth. The system may include a means to give
 1530 parents and instructional personnel an opportunity to provide
 1531 input into the administrator's performance evaluation.

1532 4. Other indicators of performance ~~Professional and job~~
 1533 ~~responsibilities.~~—The remainder of a performance evaluation may
 1534 include, but is not limited to, ~~For instructional personnel and~~

1535 ~~school administrators, other~~ professional and job
 1536 responsibilities ~~must be included~~ as recommended adopted by the
 1537 State Board of Education or identified by the district school
 1538 board and, for instructional personnel, peer reviews,
 1539 objectively reliable survey information from students and
 1540 parents based on teaching practices that are consistently
 1541 associated with higher student achievement, and other valid and
 1542 reliable measures of instructional practice. ~~The district school~~
 1543 ~~board may identify additional professional and job~~
 1544 ~~responsibilities.~~

1545 (b) All personnel must be fully informed of the criteria,
 1546 data sources, methodologies, and procedures associated with the
 1547 evaluation process before the evaluation takes place.

1548 (c) The individual responsible for supervising the
 1549 employee must evaluate the employee's performance. The
 1550 evaluation system may provide for the evaluator to consider
 1551 input from other personnel trained under subsection (2)
 1552 ~~paragraph (2)(f)~~. The evaluator must submit a written report of
 1553 the evaluation to the district school superintendent for the
 1554 purpose of reviewing the employee's contract. The evaluator must
 1555 submit the written report to the employee no later than 10 days
 1556 after the evaluation takes place. The evaluator must discuss the
 1557 written evaluation report with the employee. The employee shall
 1558 have the right to initiate a written response to the evaluation,
 1559 and the response shall become a permanent attachment to his or
 1560 her personnel file.

1561 (d) The evaluator may amend an evaluation based upon
 1562 assessment data from the current school year if the data becomes
 1563 available within 90 days after the close of the school year. The
 1564 evaluator must then comply with the procedures set forth in
 1565 paragraph (c).

1566 (4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—If an
 1567 employee who holds a professional service contract as provided
 1568 in s. 1012.33 is not performing his or her duties in a
 1569 satisfactory manner, the evaluator shall notify the employee in
 1570 writing of such determination. The notice must describe such
 1571 unsatisfactory performance and include notice of the following
 1572 procedural requirements:

1573 (a) Upon delivery of a notice of unsatisfactory
 1574 performance, the evaluator must confer with the employee who
 1575 holds a professional service contract, make recommendations with
 1576 respect to specific areas of unsatisfactory performance, and
 1577 provide assistance in helping to correct deficiencies within a
 1578 prescribed period of time.

1579 (b)1. The employee who holds a professional service
 1580 contract shall be placed on performance probation and governed
 1581 by the provisions of this section for 90 calendar days following
 1582 the receipt of the notice of unsatisfactory performance to
 1583 demonstrate corrective action. School holidays and school
 1584 vacation periods are not counted when calculating the 90-
 1585 calendar-day period. During the 90 calendar days, the employee
 1586 who holds a professional service contract must be evaluated

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

1596 2. Within 14 days after the close of the 90 calendar days,
 1597 the evaluator must evaluate whether the performance deficiencies
 1598 have been corrected and forward a recommendation to the district
 1599 school superintendent. Within 14 days after receiving the
 1600 evaluator's recommendation, the district school superintendent
 1601 must notify the employee who holds a professional service
 1602 contract in writing whether the performance deficiencies have
 1603 been satisfactorily corrected and whether the district school
 1604 superintendent will recommend that the district school board
 1605 continue or terminate his or her employment contract. If the
 1606 employee wishes to contest the district school superintendent's
 1607 recommendation, the employee must, within 15 days after receipt
 1608 of the district school superintendent's recommendation, submit a
 1609 written request for a hearing. The hearing shall be conducted at
 1610 the district school board's election in accordance with one of
 1611 the following procedures:

1612 a. A direct hearing conducted by the district school board

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

1620 b. A hearing conducted by an administrative law judge
 1621 assigned by the Division of Administrative Hearings of the
 1622 Department of Management Services. The hearing shall be
 1623 conducted within 60 days after receipt of the written appeal in
 1624 accordance with chapter 120. The recommendation of the
 1625 administrative law judge shall be made to the district school
 1626 board. A majority vote of the membership of the district school
 1627 board shall be required to sustain or change the administrative
 1628 law judge's recommendation. The determination of the district
 1629 school board shall be final as to the sufficiency or
 1630 insufficiency of the grounds for termination of employment.

1631 (5) ADDITIONAL NOTIFICATIONS.—The district school
 1632 superintendent shall annually notify the department of any
 1633 instructional personnel or school administrators who receive two
 1634 consecutive unsatisfactory evaluations. The district school
 1635 superintendent shall also notify the department of any
 1636 instructional personnel or school administrators who are given
 1637 written notice by the district of intent to terminate or not
 1638 renew their employment. The department shall conduct an

1639 investigation to determine whether action shall be taken against
 1640 the certificateholder pursuant to s. 1012.795.

1641 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
 1642 EVALUATION SYSTEMS.—The district school board shall establish a
 1643 procedure for annually reviewing instructional personnel and
 1644 school administrator evaluation systems to determine compliance
 1645 with this section and ~~s. 1012.3401~~. All substantial revisions to
 1646 an approved system must be reviewed and approved by the district
 1647 school board before being used to evaluate instructional
 1648 personnel or school administrators. Upon request by a school
 1649 district, the department shall provide assistance in developing,
 1650 improving, or reviewing an evaluation system.

1651 (7) MEASUREMENT OF STUDENT PERFORMANCE ~~LEARNING GROWTH~~.—

1652 (a) The Commissioner of Education shall approve a formula
 1653 to measure individual student learning growth on the statewide,
 1654 standardized assessments in English Language Arts and
 1655 mathematics administered under s. 1008.22. The formula must take
 1656 into consideration each student's prior academic performance.
 1657 The formula must not set different expectations for student
 1658 learning growth based upon a student's gender, race, ethnicity,
 1659 or socioeconomic status. In the development of the formula, the
 1660 commissioner shall consider other factors such as a student's
 1661 attendance record, disability status, or status as an English
 1662 language learner. The commissioner may ~~shall~~ select additional
 1663 formulas to measure student performance as appropriate for the
 1664 remainder of the statewide, standardized assessments included

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

1670 (b) Each school district shall measure student learning
 1671 growth using the formulas approved by the commissioner under
 1672 paragraph (a) for courses associated with the statewide,
 1673 standardized assessments administered under s. 1008.22 no later
 1674 than the school year immediately following the year the formula
 1675 is approved by the commissioner. For grades and subjects not
 1676 assessed by statewide, standardized assessments ~~but otherwise~~
 1677 ~~assessed as required under s. 1008.22(6)~~, each school district
 1678 shall measure student performance ~~of students~~ using a
 1679 methodology determined by the district. ~~The department shall~~
 1680 ~~provide models for measuring performance of students which~~
 1681 ~~school districts may adopt.~~

1682 ~~(c) For a course that is not measured by a statewide,~~
 1683 ~~standardized assessment, a school district may request, through~~
 1684 ~~the evaluation system approval process, to use a student's~~
 1685 ~~achievement level rather than student learning growth if~~
 1686 ~~achievement is demonstrated to be a more appropriate measure of~~
 1687 ~~classroom teacher performance. A school district may also~~
 1688 ~~request to use a combination of student learning growth and~~
 1689 ~~achievement, if appropriate.~~

1690 ~~(d) For a course that is not measured by a statewide,~~

1691 ~~standardized assessment, a school district may request, through~~
 1692 ~~the evaluation system approval process, that the performance~~
 1693 ~~evaluation for the classroom teacher assigned to that course~~
 1694 ~~include the learning growth of his or her students on one or~~
 1695 ~~more statewide, standardized assessments. The request must~~
 1696 ~~clearly explain the rationale supporting the request.~~

1697 ~~(e) For purposes of this section and only for the 2014-~~
 1698 ~~2015 school year, a school district may use measurable learning~~
 1699 ~~targets on local assessments administered under s. 1008.22(6) to~~
 1700 ~~evaluate the performance of students portion of a classroom~~
 1701 ~~teacher's evaluation for courses that are not assessed by~~
 1702 ~~statewide, standardized assessments. Learning targets must be~~
 1703 ~~approved by the school principal. A district school~~
 1704 ~~superintendent may assign to instructional personnel in an~~
 1705 ~~instructional team the student learning growth of the~~
 1706 ~~instructional team's students on statewide assessments. This~~
 1707 ~~paragraph expires July 1, 2015.~~

1708 (8) RULEMAKING.—The State Board of Education shall adopt
 1709 rules pursuant to ss. 120.536(1) and 120.54 which establish
 1710 uniform procedures and format for the submission, review, and
 1711 approval of district evaluation systems and reporting
 1712 requirements for the annual evaluation of instructional
 1713 personnel and school administrators; specific, discrete
 1714 standards for each performance level required under subsection
 1715 (2) to ensure clear and sufficient differentiation in the
 1716 performance levels and to provide consistency in meaning across

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

1721 ~~Specifically, the rules shall establish student performance~~
 1722 ~~levels that if not met will result in the employee receiving an~~
 1723 ~~unsatisfactory performance evaluation rating. In like manner,~~
 1724 ~~the rules shall establish a student performance level that must~~
 1725 ~~be met in order for an employee to receive a highly effective~~
 1726 ~~rating and a student learning growth standard that must be met~~
 1727 ~~in order for an employee to receive an effective rating.~~

1728 (9) TRANSITION TO NEW STATEWIDE, STANDARDIZED
 1729 ASSESSMENTS.—Standards for each performance level required under
 1730 subsection (2) shall be established by the State Board of
 1731 Education beginning with the 2015-2016 school year.

1732 ~~(10) DISTRICT BONUS REWARDS FOR PERFORMANCE PAY BASED ON~~
 1733 ~~EVALUATION PROGRESS. School districts are eligible for bonus~~
 1734 ~~rewards as provided for in the 2014 General Appropriations Act~~
 1735 ~~for making outstanding progress toward educator effectiveness,~~
 1736 ~~including implementation of instructional personnel salaries~~
 1737 ~~based on performance results under s. 1012.34 and the use of~~
 1738 ~~local assessment results in personnel evaluations when~~
 1739 ~~statewide, standardized assessments are not administered.~~

1740 Section 13. Section 1012.3401, Florida Statutes, is
 1741 repealed.

1742 Section 14. Subsection (10) of section 1012.98, Florida

PCB EDC 15-04

Original

2015

1743 Statutes, is amended to read:

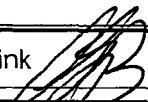

1744 1012.98 School Community Professional Development Act.—

1745 (10) For instructional personnel ~~teachers, managers,~~ and
 1746 administrative personnel who have been evaluated as less than
 1747 effective ~~satisfactory~~, a district school board shall require
 1748 participation in specific professional development programs as
 1749 provided in subparagraph (4)(b)4. as part of the improvement
 1750 prescription.

1751 Section 15. This act shall take effect upon becoming a
 1752 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDC 15-04 Accountability
SPONSOR(S): Education Committee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

On August 25, 2014 Florida Governor Rick Scott announced the "Let's Keep Florida Learning Plan." The plan, among other things, called for the Commissioner of Education to "conduct a thorough and comprehensive investigation of every standardized test" in Florida. The commissioner published results from the investigation on February 18, 2015, including recommendations to suspend the statewide, standardized 11th grade ELA assessment; eliminate required administration of the Postsecondary Education Readiness Test (PERT); eliminate current progress monitoring requirements; and eliminate local final exams in course and subjects where there is also a statewide, standardized end-of-course (EOC) assessment. The Governor subsequently issued Executive Order 15-31, suspending the 11th grade ELA assessment. The bill, based in part on the commissioners recommendations:

- Allows districts to set a school start date as early as August 10 each year.
- Eliminates unnecessary and duplicative state and district assessments by repealing the statewide, standardized 11th grade ELA assessment and repealing the required administration of the PERT to high school students.
- Prohibits administration of final exams in addition to statewide, standardized EOC assessments.
- Provides flexibility to districts to monitor the reading proficiency of K-3 students and address the needs of students who struggle in reading and math.
- Streamlines provisions relating to 4th grade promotion and district K-12 comprehensive reading plans.
- Reduces classroom disruption by allowing district employees such as teacher assistants to administer state assessments.
- Enhances transparency and assessment literacy by requiring the development and use of a uniform assessment calendar, specifying required elements for the calendar, and requiring timely reporting of district assessment and progress monitoring results to teachers and parents.
- Grants districts greater flexibility in measuring student performance in grades and subjects not associated with the state assessment program.
- Grants districts greater flexibility in evaluating teacher performance by reducing the student performance and instructional practice evaluation components to one third each and streamlining evaluation system monitoring provisions.
- Requires state board to publish a comparison of student performance and teacher evaluations based on student performance data from the state assessment program.

The bill does not appear to have a fiscal impact.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Assessments and Educator Performance Evaluations

Present Situation

Assessments

Since 1999, Florida's statewide education accountability system has been predicated upon student mastery of academic standards measured using state and local assessments.¹ These assessments provide teachers and schools important information, particularly in critical subject areas like mathematics and English language arts (ELA), on how well students are learning, where there are needs for improvement, and what instructional techniques are working. Information from assessments helps school leaders, teachers, and students to receive services and support necessary for success and helps prevent students from being left behind or promoted grade-to-grade without necessary knowledge and skills.

The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-11) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). EOC assessments count 30 percent of a student's final course grade.² Results from these assessments are used to calculate school grades and school improvement ratings³ and determine student readiness for promotion to 4th grade and high school graduation.⁴

Current law requires that local assessments be used to measure student performance in grades and subjects not associated with the statewide assessment program.⁵ School districts have the flexibility to use the following assessments to satisfy this requirement:⁶

- Statewide assessments;
- Other standardized assessments, including nationally recognized standardized assessments;
- Industry certification assessments;
- District-developed or district selected end-of-course assessments; and
- Teacher-selected or principal-selected assessments.

Each school district must measure student performance on local assessments using a district-determined methodology⁷ and adopt policies for the selection, development, administration, and scoring of local assessments and for the collection of assessment results.⁸

The commissioner must identify methods to support school districts in the development or acquisition of assessments. Such methods include developing test item banks,⁹ facilitating the sharing of

¹ Section 57, ch. 1999-398, L.O.F.

² Sections 1003.4156 and 1003.4282, F.S.

³ See ss. 1008.34 and 1008.341, F.S.

⁴ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁵ See section 1008.22(6), F.S.

⁶ Sections 1008.22(6)(b) and 1012.34(7)(b), F.S. However, for all ELA, mathematics, science, and social studies courses offered by the district that are used to meet graduation requirements that are not otherwise assessed by statewide, standardized assessments, the district school board may not use teacher-selected or principal-selected assessments. See s. 1008.22(6)(c), F.S.

⁷ Section 1012.34(7)(b), F.S.

⁸ Section 1012.34(7)(c), F.S.

assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance.¹⁰ Accordingly, DOE has provided technical assistance and used Race to the Top funds for the development of test item banks, a test platform, and grants to schools districts to develop assessments for hard-to-measure courses that can be shared across the state.¹¹

In addition to statewide, standardized and district-required assessments, high schools must administer the Postsecondary Education Readiness Test (PERT) to all students in 11th grade who scored at Level 2 or 3 on the statewide, standardized 10th grade ELA assessment or Levels 2 through 4 on the Algebra I EOC assessment.¹² Students who demonstrate college readiness by achieving scores established by the state board on alternate assessments are not required to take the PERT.¹³ When a student does not achieve the minimum scores necessary to demonstrate college readiness on either the PERT or an alternative assessment, the school must use the test results to advise the student of identified deficiencies and provide appropriate postsecondary preparatory instruction during his or her 12th grade year. The student is required to complete the postsecondary preparatory instruction prior to high school graduation.¹⁴

Assessment Schedules

The commissioner must establish schedules for the administration of assessments and the reporting of student assessment results.¹⁵ By August of each year, the commissioner must notify each school district in writing and publish on DOE's website the assessment and reporting schedules for 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 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 Florida Alternate Assessment¹⁶ may be administered no earlier than the week of March 1.¹⁷

Statewide, standardized assessments are administered during assessment windows. These windows are periods of time, typically one to two weeks, during which assessments may be administered. Although a testing window may span up to multiple weeks, it does not mean that a student is tested each day.¹⁸ School districts must "administer assessments in accordance with the schedule established by the commissioner."¹⁹

⁹ Florida Department of Education, *Item Bank & Test Platform Item Specifications*, <http://www.fldoe.org/finance/contracts-grants-procurement/american-recovery-reinvestment-act/k-12-strategies/itemspecs.shtml> (Last visited March 4, 2015).

¹⁰ Section 1008.22(6)(d), F.S.

¹¹ *Race to the Top Procurement*, *supra* note 9 (test item banks, test platform and assessments for hard-to-measure courses); see Florida Department of Education, *American Recovery and Reinvestment Act, Teacher and Principal Evaluation Systems*, <http://www.fldoe.org/arra/TeacherEvaluationSystems.asp> (last visited March 4, 2015).

¹² Section 1008.30(3), F.S.

¹³ Rule 6A-10.0315(2), F.A.C.

¹⁴ *Id.*; rule 6A-10.0315(2), F.S.

¹⁵ Section 1008.22(3)(f), F.S.

¹⁶ Under the direction and supervision of the Commissioner of Education, the Department of Education has developed the Florida Alternate Assessment (FAA), which measures student academic performance on the Next Generation Sunshine State Standards (NGSSS) using access points for students with significant cognitive disabilities. See s. 1008.22(3)(c)4., F.S.; rule 6A-1.09430(1), F.A.C. Access points are academic expectations written for students with significant cognitive disabilities to access the general education curriculum. Access points are embedded in the NGSSS and reflect the core intent of the standards with reduced levels of complexity. Florida Department of Education, *The Florida Alternate Assessment*, <http://www.fldoe.org/asp/altassessment.asp> (last visited March 5, 2015); rule 6A-1.09401(1), F.A.C.

¹⁷ Section 1008.22(3)(f), F.S.

¹⁸ Florida Department of Education, *Assessment Investigation* (Feb. 18, 2015), at 7, available at <http://www.fldoe.org/core/fileparse.php/12003/urlt/CommAssessmentInvestigationReport.pdf>. [hereinafter referred to as Assessment Investigation]

¹⁹ *Id.*

In addition, each school district must establish schedules for the administration of any “district-mandated” assessment and approve the schedules as an agenda item at a district school board meeting.²⁰ The school district must 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.²¹

The separate schedule adoption and posting requirements and uncertainty about what must be included in district assessment schedules (e.g., statewide assessments and progress monitoring assessments) has resulted in a wide range of district-developed schedule formats and inconsistencies in testing information provided to parents.²²

The use of assessments to measure student learning and inform accountability systems has highlighted the importance of assessment literacy and communicating to school leaders, teachers, and parents what assessments are administered, where they are administered, why they are administered, and who uses the assessment data and how it is used.²³

Test Administration and Security

Florida law prohibits individuals from knowingly and willfully violating test security rules adopted by the state board for statewide, standardized assessments and from:

- Giving examinees access to test questions prior to testing;
- Copying, reproducing, or using in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- Coaching examinees during testing or altering or interfering with examinees’ responses in any way;
- Making answer keys available to examinees;
- Failing to follow security rules for distribution and return of secure test as directed, or failing to account for all secure test materials before, during, and after testing;
- Failing to follow test administration directions specified in the test administration manuals; or
- Participating in, directing, aiding, counseling, assisting in, or encouraging any of these prohibited acts.²⁴

Individuals who violate these provisions commit a first-degree misdemeanor, punishable by up to one year of imprisonment or a fine of up to \$1,000.²⁵

Performance Evaluations

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.²⁶ The DOE must approve each school district’s performance evaluation system,²⁷ which must be based upon sound

²⁰ Section 1008.22(6)(e), F.S.

²¹ *Id.*

²² Compare Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>; Orange County Public Schools, *Testing Calendar 2014-15 School Year*, available at http://www.orange.k12.nc.us/Calendars/testing_calendar.pdf; and Monroe County School District, *Monroe County School District State Testing Calendar*, available at http://www.mcsd.us/teacher_corner/testing_calendar.

²³ See Michigan Assessment Consortium, *Assessment Literacy Standards: The Essential Foundation* (2015), available at <http://www.michiganassessmentconsortium.org/sites/default/files/MAC%20AssessmentLiteracyStandardsWinter2015.pdf>.

²⁴ Section 1008.24(1), F.S. The state board’s test security rules have been adopted in rule 6A-10.042, F.A.C.

²⁵ Section 1008.24(2), F.S.

²⁶ Section 1012.34(1)(a), F.S. Definitions for school district personnel are provided in s. 1012.01, F.S.

²⁷ Section 1012.34(1)(b), F.S. A district school board must annually review its evaluation system for compliance with state law. Any changes to the system must be approved by the board. DOE must monitor each school district’s implementation of its evaluation system for compliance with state law. Section 1012.34(1)(b) and (6), F.S.

educational principles and contemporary research in effective educational practices; be designed to support effective instruction; provide appropriate instruments, procedures, and criteria for improving the quality of instruction; and include opportunities for parental input.²⁸

Instructional personnel and school administrators must be evaluated annually, except that newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district.²⁹ "Newly hired classroom teachers" include first-time teachers new to the profession as well as veteran teachers new to the school district.³⁰

Each employee's evaluation must be conducted by his or her supervisor, who may consider input from other trained personnel.³¹ Each performance evaluation system must provide training to evaluators on the proper use of the evaluation criteria and procedures and must include processes for monitoring evaluator reliability and system effectiveness.³²

The criteria used to evaluate instructional personnel are student performance, instructional practice, and professional and job responsibilities.³³ The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.³⁴ Currently, at least 50 percent of an instructional personnel or school administrator evaluation must be based upon student performance, with certain exceptions.³⁵ Student performance must be measured by statewide assessments³⁶ or, for subjects and grade levels not tested by statewide assessments, local assessments.³⁷

School district performance evaluation systems must differentiate among four levels of performance:

- Highly effective;
- Effective;
- Needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- Unsatisfactory.³⁸

Beginning with the 2015-2016 school year, the State Board of Education must establish in rule specific, discrete standards for each performance evaluation level; including student performance levels that, if not met, will result in an unsatisfactory evaluation.³⁹ The Commissioner of Education must consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance evaluation levels.⁴⁰

²⁸ Section 1012.34(2), F.S.

²⁹ Section 1012.34(3)(a), F.S.

³⁰ *See id.*

³¹ Section 1012.34(3)(c), F.S.

³² Section 1012.34(2)(f)-(h), F.S.

³³ Section 1012.34(3)(a)1., 2., and 4., F.S.

³⁴ Section 1012.34(3)(a)1., 3., and 4., F.S.

³⁵ Section 1012.34(3)(a)1., F.S. If less than three years of data are available for a classroom teacher, the student performance component of the evaluation may comprise no less than 40 percent of the evaluation. Section 1012.34(3)(a)1.a., F.S. A similar reduction applies for school administrators for whom less than three years of data are available. Section 1012.34(3)(a)1.b., F.S.

³⁶ The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-11) and mathematics (grades 3-8); EOC assessments for Algebra I, Algebra II, geometry, Biology I, civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). EOC assessments count 30 percent of a student's final course grade. Section 1008.22(3)(c), F.S.

³⁷ Sections 1012.34(3)(a)1. and 1008.22(6), F.S.

³⁸ Section 1012.34(2)(e), F.S.

³⁹ Section 1012.34(8)-(9), F.S.

⁴⁰ Section 1012.34(2)(e), F.S. (flush-left provisions at end of paragraph).

Student Performance

Student learning growth, with certain exceptions, is the primary measure of student performance used to evaluate instructional personnel and school administrators for courses associated with statewide, standardized assessments in ELA and mathematics.⁴¹ School districts are required to measure student learning growth using the formulas approved by the Commissioner of Education for courses associated with statewide assessments for ELA and mathematics.⁴² Student learning growth formulas tied to these assessments must be used to determine the learning growth a student makes in the year he or she is assigned to the instructional personnel or school administrator.⁴³

For classroom teachers of courses not measured by a statewide assessment, school districts may request through the evaluation approval process to use a student's achievement level on a local assessment if achievement is demonstrated to be a more appropriate measure of classroom teacher performance than learning growth. A school district may also request to use a combination of student learning growth and achievement, if appropriate.⁴⁴

School districts may also request DOE approval for a classroom teacher performance evaluation to include student learning growth of the teacher's students assigned to the course on one or more statewide, standardized assessments. The request must clearly explain the rationale supporting the request.⁴⁵

Additionally, school districts may use a student achievement measure to evaluate classroom teachers of courses measured by a statewide, standardized end-of-course assessment if a statewide learning growth formula has not been approved for that assessment or, for courses associated with local assessments, if achievement is demonstrated to be a more appropriate measure of teacher performance.⁴⁶

Measurement of student learning growth must be based upon at least three school years of student data. If less than three years of data is available for a classroom teacher or school administrator, the school district must include available data and may reduce the weight attributed to student learning growth from not less than 50 percent to not less than 40 percent.⁴⁷ If less than three years of data is available for a nonclassroom instructional personnel, the school district must include available data and may reduce the weight attributed to student learning growth from not less than 30 percent to not less than 20 percent.⁴⁸

The student performance portion of a nonclassroom instructional personnel's⁴⁹ performance evaluation must be measured by student outcome data that reflects the employee's actual contribution to the performance of students in his or her area of responsibility. Such outcome data may include student learning growth on statewide assessments, measurable student outcomes unique to the personnel assignment, or a combination thereof.⁵⁰

⁴¹ Section 1012.34(7)(a) and (b), F.S.

⁴² See s. 1012.34(7)(a) and (b), F.S.

⁴³ Section 1012.34(7)(a)-(b), F.S.

⁴⁴ Section 1012.34(7)(c), F.S. Student achievement must be demonstrated to be a more appropriate measure of teacher performance.

Id.

⁴⁵ Section 1012.34(7)(d), F.S.

⁴⁶ Section 1012.3401(1), F.S.

⁴⁷ Section 1012.34(3)(a)1.a. and c., F.S.

⁴⁸ Section 1012.34(3)(a)1.b., F.S.

⁴⁹ Nonclassroom instructional personnel include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, primary specialists, learning resource specialists, instructional trainers, and adjunct educators. Section 1012.01(b)-(d), F.S.

⁵⁰ Sections 1012.3401(2) and 1012.34(3)(a)1.a.-c., F.S.

Reporting Requirements

School districts must annually report to DOE instructional personnel and school administrator performance evaluation ratings (i.e., highly effective; effective; needs improvement or developing; and unsatisfactory). DOE must post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.⁵¹ DOE must also annually report by December 1 each district's performance evaluation results, as well as the status of any evaluation system revisions requested by a school district, to the Governor and the Legislature.⁵²

School districts must report to DOE instructional personnel and school administrators who receive two consecutive unsatisfactory evaluations and those who are given written notice of intent to terminate or not renew their employment.⁵³ Additionally, districts must annually report to parents the fact that their child is assigned to a classroom teacher or school administrator who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.⁵⁴

Commissioner Investigation of Assessments and Resulting Recommendations

On August 25, 2014, amidst concerns expressed by parents and school districts about the number of assessments administered to students, Florida Governor Rick Scott announced the "Let's Keep Florida Learning Plan."⁵⁵ The plan, among other things, called for the Commissioner of Education, Pam Stewart, to "conduct a thorough and comprehensive investigation of every standardized test" in Florida.⁵⁶

Subsequently, the commissioner and DOE staff gathered information from each school district, including:

- What district-level, standardized assessments are given;
- What student decisions are based on test results (e.g., promotion, course grade, progress monitoring; includes additional district uses of statewide, standardized test results);
- Why students are required to take the test;
- What grade levels or groups of students take the test;
- Whether test information is provided to teachers, parents, and/or students;
- How much time is given for the test on how many days;
- How often and when the test is given; and
- In what format the test is given (computer, paper, or other).⁵⁷

Based on the information provided by the school districts, the commissioner released a report on February 18, 2015, summarizing DOE's findings and providing recommendations to help ease the assessment burden on students and schools.⁵⁸ The recommendations are to:

⁵¹ Sections 1012.2315(5)(a) and 1012.34(1)(c), F.S.

⁵² *Id.*

⁵³ Section 1012.34(5), F.S.

⁵⁴ Section 1012.2315(5)(b), F.S.

⁵⁵ Gov. Rick Scott, *Let's Keep Florida Learning* (Aug. 2014), available at <http://www.rickscottforflorida.com/wp-content/uploads/2014/11/Let%E2%80%99s-Keep-Florida-Learning.pdf>.

⁵⁶ *Id.*

⁵⁷ Assessment Investigation at 3. See also Florida Department of Education, *Assessment Investigation, Appendix F: District-Level, Standardized Assessment Summaries* (Feb. 18, 2015), available at <http://www.fldoe.org/core/fileparse.php/10982/urlt/Appendices.pdf> (providing district responses to the assessment inquiries).

⁵⁸ See Assessment Investigation, *supra* at note 44.

- Issue an Executive Order to suspend the Grade 11 Florida Standards Assessment for English language arts.
- Enact legislation to eliminate the Postsecondary Education Readiness Test (PERT) as a state mandate for grade 11 and make it optional.
- Enact legislation to eliminate the current progress monitoring requirements.
- Enact legislation to eliminate local final exams in courses/subjects where there is also a statewide, standardized end-of-course exam.⁵⁹

The commissioner included additional recommendations specifically for school districts as follows:

- Give no more than one school-wide or district-wide interim assessment per course/subject per grading period.
- Don't test students for the sole purpose of evaluating teachers.
- Provide teachers, parents, and students with information about how students are doing on each assessment used to monitor student progress.

On February 24, 2015, Governor Scott issued Executive Order 15-31, authorizing the commissioner to suspend administration of the statewide, standardized 11th grade ELA assessment.⁶⁰ Pursuant to the executive order, the commissioner released an updated 2014-2015 Statewide Assessment Schedule without reference to the statewide, standardized 11th grade ELA assessment.⁶¹

Effect of Proposed Changes

Pursuant to the commissioner's recommendations, the bill reduces duplicative and excessive assessments for high school students by eliminating the requirement to administer a statewide, standardized 11th grade ELA assessment. In addition, the bill repeals the requirement to administer the PERT, while still requiring high schools to use available assessment data to identify students with deficiencies and provide postsecondary preparatory counseling and instruction for those students.

The bill streamlines duplicative provisions related to statewide, standardized EOC assessments and deletes language referencing the old FCAT writing assessment.⁶² The bill also specifies that a statewide, standardized EOC assessment must be used as its associated course's final cumulative exam and prohibits administration of additional final cumulative examinations. The bill allows districts to use a district-required local assessment as the course's final cumulative assessment.

To reduce classroom disruption during the administration of statewide, standardized assessments, the bill expressly allows districts to use district employees, such as education paraprofessionals, to administer and proctor the assessments.

To promote district flexibility and relieve unnecessary testing burdens on students and schools, the bill eliminates prescriptive assessment requirements while maintaining the districts' responsibility for measuring student performance in grades and subjects not associated with statewide, standardized assessments. In addition, the bill requires the commissioner to assist districts in measuring student performance by maintaining a statewide item bank that facilitates test and test item sharing. The bill requires districts to consider how to share resources and allows commissioner to stop the item bank if it is determined that district participation is insufficient for sustainability.

To promote transparency and consistency in information related to assessments, the bill requires the state board to adopt rules to develop a uniform calendar that includes the assessment and reporting

⁵⁹ Assessment Investigation at 4.

⁶⁰ Exec., Order No. 15-31 (2015), available at http://www.flgov.com/wp-content/uploads/orders/2015/EO_15-31.pdf.

⁶¹ Florida Department of Education, *Florida Statewide Assessment Program 2014-2015 Schedule* (2015), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7047/dps-2014-81a.pdf>.

⁶² Both reading and writing are assessed under the new statewide, standardized ELA assessments.

schedules for assessments. By August 1 each year, the commissioner must post the uniform calendar to the DOE website and provide the uniform calendar to school districts in an electronic format that allows each district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules:

- Whether the assessment is district- or state-required.
- The specific date or dates each assessment will be administered.
- The time allotted to administer each district- or state-required assessment.
- Whether the assessment is computer- or paper-based.
- The grade level or subject associated with the assessment.
- The date the results are expected to be available to teachers and parents.
- The type of assessment, purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.

Each school district and public school must publish the testing schedules on its website using the uniform calendar. Districts must submit their schedules to the Department of Education by October 1 of each year. Each public school's assessment calendar must be included in the parent guide.⁶³

In addition, the bill requires results from district-required local assessments to be provided to teachers and parents in a timely manner.

The bill grants school districts flexibility in evaluating instructional personnel and school administrators by reducing the student performance and instructional practice components of the performance evaluation to at least one third each. This allows districts to use district-selected criteria, such as peer reviews, student and parent survey information, and other job and professional responsibilities for remainder of the evaluation. Further, districts may determine the proportion of student performance data used in a teacher's evaluation based on the teacher's instructional assignment (i.e., what courses or subjects are taught by the teacher).

The bill enhances transparency of district evaluation systems by requiring the commissioner's annual evaluation plan report to include a comparison of district student performance results and evaluation results based on the performance levels adopted by the state board in rule.

The bill allows, rather than requires, the commissioner to select additional student performance formulas for statewide, standardized assessments and grants districts significant flexibility to measure student performance in subjects and grade levels not associated with statewide, standardized assessments.

The bill requires the state board to provide a format for evaluation system plans. The bill also eliminates the board's authority to set levels of student performance for evaluations that, if not met, automatically result in an unsatisfactory rating or prevent the teacher or administrator from earning an effective or highly effective rating.

The bill requires each district evaluation system to provide for timely feedback to instructional personnel and administrators and streamlines system monitoring provisions. For teachers and administrators rated less than effective, the bill requires specified professional development activities.

Student Progression

Present Situation

Student progression refers to the performance standards that each student must meet in order to progress from one grade to another. The law requires that:

⁶³ The requirements for and specifications of the parent guide is provided in s. 1002.23(5), F.S.

- Student progression be determined, in part, based upon proficiency in reading, writing, science, and mathematics;
- District school board policies facilitate such proficiency;
- Each student and his or her parent be informed of the student's academic progress; and
- Students have access to academically challenging coursework or accelerated instruction, i.e., Academically Challenging Curriculum to Enhance Learning (ACCEL) options.⁶⁴

Florida law requires each district school board to establish a comprehensive student progression plan that:

- Specifies the standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.
- States the specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments⁶⁵ below which a student must receive remediation or be retained.
- Specifies appropriate alternative placement for a student who has been retained two or more years.
- Specifies the district's student eligibility and procedural requirements and enrollment process for student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration and advises parents and students that additional ACCEL options may be available at the student's school.
- Advises parents and students of the early and accelerated graduation options.
- Lists all dual enrollment courses contained in the dual enrollment articulation agreement.
- Provides instructional sequences by which K-12 students may attain progressively higher levels of digital literacy skills.⁶⁶

The district student progression plan must be reviewed and revised periodically to comply with changes to state law or school board policy and to ensure that programs of study, placement, promotion, reporting, retention, and assessment procedures are equitable and comprehensive.⁶⁷

Effect of Proposed Changes

The bill deletes prescriptive requirements for district-adopted student progression plans. Instead, the bill requires districts to establish criteria for student progression which emphasize K-3 reading proficiency. In addition, the criteria must address certain criteria, including acceleration options, options for whole-grade and midyear promotion, early graduation options, dual enrollment options, the progressive use of digital tools and applications, and virtual instruction options. Parents must be notified of the district's progression criteria as part of the parent guide.

⁶⁴ Section 1008.25(1), F.S. ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12. Each public school must offer whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. School districts may provide additional ACCEL options, e.g., enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; advanced academic courses; and rigorous industry certifications that articulate to college credit. Section 1002.3105(1), F.S.

⁶⁵ The statewide assessment program for public schools includes the statewide, standardized Florida Standard Assessments (FSA) and statewide standardized EOC assessments. FSA assesses English language arts (grades 3-11), mathematics (grades 3-8), and science (grades 5 and 8). EOC assessments for high school students include Algebra I, Geometry, Algebra II, Biology I, Civics, and U.S. History. Section 1008.22(3), F.S.

⁶⁶ Section 1008.25(2), F.S.

⁶⁷ Florida Department of Education, *Student Progression*, <http://www.fldoe.org/academics/standards/student-progression/index.shtml> (last visited Mar. 4, 2015).

Progress Monitoring, Third Grade Retention, and Remediation

Present Situation

Florida law prescribes several methods by which districts must monitor student performance in critical subject areas such as ELA and math and provide instructional support and remediation for students with identified deficiencies. Each elementary school must “regularly assess” the reading ability of each K-3 student and immediately notify the student’s parent if a deficiency is identified.⁶⁸ A progress monitoring plan must be developed in consultation with the parent and intensive reading instruction must be provided until the deficiency is corrected.⁶⁹ The student’s reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction.⁷⁰

If a student exhibits a substantial reading deficiency in kindergarten through grade 3, the parent must be notified in writing of the following:

- That the student is identified as having a substantial reading deficiency;
- A description of the current services provided for the student and the proposed supplemental instructional services and supports that will be provided to remediate the student’s reading deficiency;
- That if the student’s reading deficiency is not remediated by the end of grade 3, the student must be retained unless exempted for good cause from mandatory retention;
- Strategies for parents to use in helping the student succeed in reading proficiency;
- That the statewide, standardized ELA assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to determine whether the student is reading at or above grade level and ready for grade promotion;
- The district’s policy for midyear promotion after the student demonstrates the ability to read at grade level; and
- The district’s specific criteria and policies for the student portfolio.⁷¹

A school district has discretion to retain a student at any grade level if, after implementing a progress monitoring plan for a student identified as having an academic deficiency, subsequent evaluations of the student indicate that the deficiency has not been remediated.⁷² Retention is mandatory for 3rd graders who score at Level 1 on the statewide, standardized ELA assessment, unless the student meets a good cause exemption.⁷³ Good cause exemptions exist for a student who:

- Is limited English proficient and has had less than two years of instruction in an English for Speakers of Other Languages program.
- Has a disability for which the IEP indicates that participation in the statewide assessment program is not appropriate.
- Demonstrates an acceptable level of performance on an alternative standardized reading or English Language Arts (ELA) assessment approved by the state board.

⁶⁸ Section 1002.20(11), F.S. DOE, in conjunction with the Progress Monitoring and Reporting Network (PMRN), provides the Florida Assessments for Instruction in Reading (FAIR) for use by districts to satisfy this requirement and to continue reading progress monitoring past 3rd grade. Florida Department of Education, *FAIR (Florida Assessments for instruction in Reading)*, <http://www.fldoe.org/academics/standards/just-read-fl/fair> (last visited Mar. 4, 2015).

⁶⁹ See ss. 1002.20(11) and 1008.25(5)(a), F.S.

⁷⁰ *Id.*

⁷¹ Section 1008.25(5)(c), F.S. 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. Section 1008.25(5)(c)7., F.S.

⁷² Section 1008.25(4)(c), F.S.

⁷³ Section 1008.25(5)(a)-(b), F.S.

- Demonstrates, through a student portfolio, that he or she is performing at least at Level 2 on FCAT reading.
- Has a disability, takes the FCAT, and has an IEP or a Section 504 plan indicating that he or she has received intensive remediation in reading and ELA for more than two years but still demonstrates a deficiency and was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade.
- Has received intensive remediation in reading and ELA for two or more years but still demonstrates a deficiency and who was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade for a total of two years. Intensive reading instruction provided to a student so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for the student.⁷⁴

A request for a good cause exemption must be based upon documentation submitted by the student's teacher to the school principal indicating that promotion of the student is appropriate and based upon the student's academic record.⁷⁵ The school principal must review and discuss such recommendation with the teacher and make a determination regarding promotion or retention. If the school principal determines that the student should be promoted, he or she must make such recommendation in writing to the district school superintendent. The district school superintendent must accept or reject the school principal's recommendation in writing.⁷⁶

A student who is retained in 3rd grade must be provided a highly effective teacher⁷⁷ and intensive interventions in reading to remedy 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 the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.⁷⁸ Further, the school district must provide the student 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:

- Integration of science and social studies content within the 90-minute block.
- Small group instruction.
- Reduced teacher-student ratios.
- More frequent progress monitoring.
- Tutoring or mentoring.
- Transition classes containing 3rd and 4th grade students.
- Extended school day, week, or year.

Districts must also implement a policy for the midyear promotion of a retained 3rd grade student who can demonstrate that he or she is a successful and independent reader and is performing at or above grade level in English Language Arts. Districts may use tools including subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education, to reevaluate the student.⁷⁹

In addition, districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA

⁷⁴ Section 1008.25(6)(b), F.S.

⁷⁵ Section 1008.25(6)(c), F.S. Such documentation is limited to the student's progress monitoring plan; IEP, if applicable; report card; or student portfolio. *Id.*

⁷⁶ *Id.*

⁷⁷ This means highly effective pursuant to the district's personnel evaluation system under 1012.34, F.S.

⁷⁸ Section 1008.25(7)(a)-(e), F.S.

⁷⁹ Section 1008.25(7)(b)3., F.S.

assessment. The class must focus on increasing a child's reading and English Language Arts skill level at least two grade levels in one school year.⁸⁰ The class must:

- Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior year because of scoring Level 1;
- Have a reduced teacher-student ratio;
- Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas;
- Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and
- Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.⁸¹

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. 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. The student's results on each statewide assessment test must be provided to the parent.⁸²

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

- The provisions relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.⁸³
- By grade, the number and percentage of all students retained in grades 3 through 10.
- Information on the total number of students who were promoted for good cause, by each category of good cause.
- Any revisions to the district school board's policy on student retention and promotion from the prior year.⁸⁴

Middle grades students who score a Level 1 or Level 2 on the statewide, standardized ELA or math assessment must enroll in and complete a remedial course or, for ELA, a remedial course or a content area course with incorporated remediation strategies, in the following school year.⁸⁵ High school students who score a Level 1 or Level 2 on the statewide, standardized 9th, 10th, or 11th grade ELA assessment must enroll in and complete an intensive remedial course or a content area course that includes remediation. Similarly, high school students who score a Level 1 or Level 2 on the Algebra I EOC assessment must enroll in and complete an intensive remedial course or a content area course that includes remediation.⁸⁶

⁸⁰ Section 1008.25(7)(b)5., F.S.

⁸¹ *Id.*

⁸² Section 1008.25(8)(a), F.S.

⁸³ As of the 2014-2015 school year, the reading portion of the FCAT has been replaced by the statewide, standardized ELA assessment (Florida Standards Assessment).

⁸⁴ Section 1008.25(9)(b), F.S.

⁸⁵ Section 1003.4156(2) and (3), F.S.

⁸⁶ Section 1003.4282(5)(a) and (b), F.S.

District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3 and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.⁸⁷

Florida law provides an allocation in the Florida Education Finance Program (FEFP) for research-based reading instruction provided to students in kindergarten through 12th grade.⁸⁸ Funds from the allocation must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

- The provision of an additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who are effective in teaching reading.
- Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.
- The provision of highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.
- Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.
- The provision of summer reading camps for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized reading assessment or, upon implementation, the English Language Arts assessment.
- The provision of supplemental instructional materials that are grounded in scientifically based reading research.
- The provision of intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized assessment.⁸⁹

Each year, before May 1 on a date determined by DOE, each district must submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office.⁹⁰ School districts are allowed reasonable flexibility in designing their plans and must be encouraged to offer reading intervention through innovative methods, including career academies. The plan format is developed with input from school district personnel, including teachers and principals, and must allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status.⁹¹

No later than July 1 annually, the department must release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan must be deemed to have been in compliance with the plan. DOE may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. DOE must monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, DOE must report its findings to the Legislature.⁹²

⁸⁷ Section 1008.25(3), F.S.

⁸⁸ Section 1011.62(9), F.S.

⁸⁹ Section 1011.62(9)(c), F.S.

⁹⁰ Section 1011.62(9)(d), F.S.

⁹¹ *Id.*

⁹² *Id.*

English Language Learners

The 4th grade promotion good cause exemption for English language learner (ELL) students is limited to students who have had less than two years of ESOL instruction, but it is unclear from which point the two years of instruction is calculated.

With respect to calculating school grades, legislation enacted in 2014 reinstated a policy originally established in state board rule.⁹³ The bill included ELL students' performance on statewide assessments in the school grades calculation only if the student had been enrolled in a school in the United States for two years or more. Prior to the legislation, the State of Florida's Elementary and Secondary Education Act waiver, as amended on June 27, 2012, included ELL students who have been enrolled in a school in the United States for only one year or more.⁹⁴ The amended waiver, including the changes made by the legislation, was subsequently approved by the U.S. DOE Secretary.⁹⁵

Effect of Proposed Changes

In accordance with the commissioner's recommendations,⁹⁶ the bill provides districts flexibility in providing effective instructional support to students by eliminating prescriptive requirements related to progress monitoring. Instead, the bill requires districts to adopt criteria for student progression and provide targeted instructional support for students with identified deficiencies in ELA and math based on statewide, standardized assessment scores. The bill deletes obsolete language relating to district K-12 comprehensive reading plans.

The bill emphasizes intensive instruction and support services for K-3 students with identified reading deficiencies in accordance with the district's comprehensive reading plan. Such students must be monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the districts, which may include achieving a Level 3 on the statewide, standardized ELA assessment.

The bill streamlines provisions related to parental notice when a student is identified with a reading deficiency, 4th grade promotion options, instructional supports for retained 3rd grade students and midyear promotion policies.

The bill specifies that each district must establish an intensive reading acceleration course at each school for students retained in third grade that were previously retained in kindergarten, grade 1, or grade 2. The course must provide instruction and support required by the district's comprehensive reading plan, which the bill requires to include:

- A 90-minute or more reading block that integrates science and social studies content.
- Small group instruction.
- Reduced teacher-student ratios.
- Tutoring, mentoring, or an extended school day, week, or year.
- Transition classes containing 3rd and 4th grade students.
- The use of a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

⁹³ Section 1, ch. 2014-23, L.O.F.

⁹⁴ See Florida Department of Education, *Florida ESEA Flexibility Request* (June 28, 2012), at 53, available at <http://www2.ed.gov/policy/eseaflex/approved-requests/fl-amendment.pdf>; rule 6A-1.09981(2)(a), F.A.C.

⁹⁵ Florida Executive Office of the Governor, *Gov Scott: Federal Officials Reverse Course on Denial of Waiver for English Language Learners* (Dec. 22, 2014), <http://www.flgov.com/2014/12/22/gov-scott-federal-officials-reverse-course-on-denial-of-waiver-for-english-language-learners/> (last visited Mar. 5, 2015).

⁹⁶ See Assessment Investigation, *supra* at note 18.

- Intensive language and vocabulary instruction using a scientifically research-based program, including the use of a speech-language therapist if necessary.
- A "Read at Home" plan.

The bill clarifies that a good cause exemption for promotion to 4th grade may include limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Language program based on the initial date of entry into a school in the United States.⁹⁷

The bill enhances accountability for reading instruction by requiring DOE to regularly report its findings from reviewing implementation of district reading plans to the state board, rather than once annually. In addition, the bill requires the state board to review the effectiveness of the plans at its first regularly scheduled meeting after August 1, each year.

School Start Date

Present Situation

Florida law requires each school district to adopt policies that fix uniform opening and closing dates for the district's schools; however, no opening date may be earlier than 14 days before Labor Day each year.⁹⁸ Academically high-performing school districts⁹⁹ are allowed set an opening date earlier than 14 days before Labor Day.¹⁰⁰

Because the opening date is tied to Labor Day each year, there may not be enough time for districts to end grading periods prior to the winter break. In certain instances, statewide, standardized EOC assessments for semester-long courses offered during the fall semester may be administered in January.

Effect of Proposed Changes

The bill provides district flexibility to implement school calendars and assessment schedules based on the district's needs by deleting the link between the school start date and Labor Day and allowing districts to start school as early as August 10. The bill also specifies that high performing districts must comply with school start date requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools.

Section 2. Amends s. 1002.20, F.S.; deleting provisions relating to assessment, intensive instruction, and progress monitoring for students with reading deficiencies.

Section 3. Amends s. 1003.4156, F.S.; deleting provisions relating to remediation for certain middle grades students.

⁹⁷ In DOE's Automated Student Information System, the date a student enters a United States school is based on the month, day, and year the student enters a school in any of the 50 states and the District of Columbia, excluding U.S. territories and possessions (e.g., Puerto Rico). See Florida Department of Education, *Data Element 197237*, available at <http://www.fldoe.org/core/fileparse.php/7729/urlt/0100094-197237.pdf>.

⁹⁸ Section 1001.42(4)(f), F.S.

⁹⁹ A school district is designated as academically high performing if it earns a district grade of "A" for two consecutive years, has no district-operated school that earns a grade of "F," complies with all class size requirements, and has no material weaknesses or instances of material compliance pursuant to the auditor general's annual financial audit. Section 1003.621, F.S.

¹⁰⁰ See s. 1003.621(2), F.S.

Section 4. Amends s. 1003.4282, F.S.; deleting provisions relating to remediation for certain high school students.

Section 5. Amends s. 1003.4285, F.S.; revising requirements for the scholar designation on standard high school diplomas.

Section 6. Amends s. 1003.621, F.S.; requiring that academically high-performing school districts comply with provisions relating to the uniform opening date of public schools.

Section 7. Amends s. 1008.22, F.S.; 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; providing for use of certain assessment results for students; revising provisions relating to local assessments administered by school districts; 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.

Section 8. Amends s. 1008.24, F.S.; providing that school districts may use specified employees to administer and proctor certain assessments.

Section 9. Amends 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; providing for intensive instruction for certain students; revising reporting requirements.

Section 10. Amends s. 1008.30, F.S.; deleting a requirement for certain students to be evaluated for college readiness.

Section 11. Amends s. 1011.62(9), F.S.; deleting requirements that specified funds be used for certain intensive reading instruction; revising requirements for the funding of a comprehensive reading instruction system, to include certain components for students in intensive reading acceleration courses; requiring the department to regularly report certain findings to the State Board of Education; requiring the state board to annually review the effectiveness of each school district's K-12 comprehensive reading plan.

Section 12. Amends 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.

Section 13. Repeals 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.

Section 14. Amends s. 1012.98, F.S.; revising provisions relating to personnel evaluation for purposes of professional development.

Section 15. Provides that the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules for the development of a uniform assessment 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."

The bill specifies that the rules adopted by the state board relating to district evaluation systems specify a format for district submissions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.