



Bill Number: CS/CS/SB 736

Bill Title: Student Success Act

Bill Sponsor: Senator Wise

Effective Date: July 1, 2011

DOE Contact: Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

Executive Summary:

The bill revises s. 1012.34, F.S., assessment procedures and criteria, to:

- Require the Department of Education (DOE) to approve and monitor district evaluation systems for instructional personnel and school administrators.
- Require that district evaluation systems for instructional personnel and school administrators:
 - Be designed to support effective instruction and student learning growth and be used to develop district and school-level improvement plans;
 - Include a mechanism to examine performance data from multiple sources, including parent input, when appropriate;
 - Differentiate among four performance levels: highly effective, effective, needs improvement (developing for instructional personnel in the first 3 years of employment who need improvement), and unsatisfactory;
 - Include a process for monitoring and evaluating the consistent use of the evaluation criteria by employees with evaluation responsibilities;
 - Include a process for monitoring and evaluating the effectiveness of the evaluation system based upon improvement in instruction and student learning;
 - Use performance evaluation results to identify professional development needs; and
 - Allow the establishment of a peer assistance process as part of the evaluation system or to support employees that need or request assistance.
- Require a newly hired classroom teacher to be observed and evaluated at least twice during the first year of teaching in the school district. Newly hired classroom teachers include teachers new to the profession and new to the district.
- Require at least 50 percent of a school administrator and a classroom teacher's performance evaluation be based upon student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments.
- Require the student learning growth portion of a performance evaluation include learning growth data for students assigned to the person over the course of at least 3 years.
 - For a school administrator, if less than 3 years of data are available for students assigned to the school, the school district must include the years for which data are available and

- may reduce the percentage of the administrator's performance evaluation based upon student learning growth from 50 percent to not less than 40 percent.
- For a classroom teacher, if less than 3 years of data are available for students assigned to the teacher, the years for which data are available must be used and the student learning growth portion of the teacher's evaluation may be reduced from 50 percent to 40 percent.
 - Require that for instructional personnel who are not classroom teachers, the student learning growth portion of the performance evaluation include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years, or may include a combination of student learning growth data and other measureable student outcomes that are specific to the assigned position. The growth data must account for not less than 30 percent of the performance evaluation, except if less than 3 years of data are available then the years for which data are available must be used and the percentage of the performance evaluation based upon student learning growth may be reduced to not less than 20 percent.
 - Modify the components of a classroom teacher and a school administrator performance evaluation to include the Educator Accomplished Practices and the Principal Leadership Standards, respectively.
 - Require an annual evaluation report by districts to the DOE on the performance evaluation results for instructional personnel and school administrators.
 - Require the Commissioner of Education (Commissioner) by December 1 of each year beginning in 2012 to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the approval and implementation status of each district's evaluation system, as well as the status of any evaluation system revisions requested by a district, and performance evaluation results for instructional personnel and school administrators.
 - Allow the evaluator to amend a performance evaluation if assessment data become available within 90 days after the close of the school year.
 - Add school administrators to the existing requirement that superintendents - annually notify DOE of any instructional personnel who receive two consecutive unsatisfactory evaluations, and to notify DOE of intent to terminate or not renew their employment. Continue to require school board annual review of evaluation systems for compliance.
 - Require the Commissioner to approve a formula for measuring individual student learning growth on the Florida Comprehensive Assessment Test (FCAT) by June 1, 2011. The Commissioner must also select formulas for other statewide assessments as those assessments become available; e.g., Algebra I end-of-course (EOC) assessment, Geometry EOC, Biology I EOC, and middle school Civics EOC. The State Board of Education must adopt the formulas into rule.
 - Require districts to use the Commissioner's formula for student growth on the FCAT by the beginning of the 2011-2012 school year, and to implement the other formulas approved by the Commissioner as they become available. Beginning with the 2014-2015 school year, districts must measure student learning growth for other grades and subjects for which districts have selected appropriate student assessments. The DOE shall provide model student learning growth formulas for district assessments.
 - Allow districts to request approval from DOE to use student achievement measures rather than student learning growth, or a combination of both, if appropriate for courses not measured by statewide assessments.

- Allow districts to request approval from DOE to use student learning growth on FCAT Reading or FCAT Mathematics for a course not measured by statewide assessment, but is measured by a district assessment. The classroom teacher's performance evaluation must give greater weight to student learning growth on the district assessment.
- For classroom teachers of courses for which the district has not implemented an appropriate assessment under s. 1008.22, F.S., or for which the district has not adopted an appropriate measure of student learning growth for that assessment, require the district to use student learning growth on statewide assessments. For courses in which enrolled students do not take statewide assessments, establish learning targets based on goals set forth in the school improvement plan and approved by the principal. This provision expires in 2015.
- Allow district superintendents to assign instructional personnel in an instructional team the student learning growth of the team's students on statewide assessments. This provision expires in 2015.
- Require the Commissioner to consult with experts, instructional personnel, school administrators, and education stakeholders in developing the criteria for the performance levels.
- Require the State Board of Education to adopt rules identifying specific, discrete standards for each of the four performance levels that are sufficient for differentiation among those levels and consistency in meaning across districts. The rules must also establish a process to permit instructional personnel to review class rosters for accuracy and correct any mistakes and a process to monitor district implementation of the evaluation system. Require the State Board of Education to adopt rules establishing student learning growth standards required to be met in order to receive an "effective," or "highly effective" performance evaluation rating and establish learning growth standards that if not met will result in an unsatisfactory performance evaluation rating.

The bill revises s. 1008.22, F.S., student assessment program for public schools, to:

Require school districts to administer student assessments that measure mastery of course content for each course offered, beginning the 2014-2015 school year. Assessments may include:

- Statewide assessments;
- Other standardized assessments including nationally recognized standardized assessments;
- Industry certification examinations; and
- District-developed or district-selected EOC assessments.
- Require the Commissioner to identify methods to assist and support districts in the development and acquisition of the student assessments.
 - Methods the Commissioner may use to assist and support the districts may include the development of item banks, sharing of assessments among districts, acquiring assessments from state and national curriculum-area organizations, and technical assistance in best practices of test development, administration, and security.

The bill revises s. 1012.22, F.S., public school personnel; powers and duties of the district school board, to:

- Prohibit districts from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the degree is held in the individual's area of certification and is only a salary supplement.
- Require districts to establish a grandfathered salary schedule for school employees hired before July 1, 2014, that is partially based upon an employee's performance and includes differentiated pay based upon district-determined factors such as additional responsibilities, school

demographics, critical shortage areas, and level of job-performance difficulties. This salary schedule is a continuation of these two salary components currently in law.

- Require each district school board to establish a performance salary schedule for instructional personnel and school administrators hired on or after July 1, 2014. The performance salary schedule includes salary adjustments for performance which become a lasting part of the employee's base salary under s. 121.021(22), F.S., and includes salary supplements for specified job assignment or duties, which are considered salary under s.121.021(22), F.S., but only remain in effect while the employee is performing those duties or assignments. Neither an adjustment nor a supplement is considered a bonus. The performance salary schedule must:
 - Require that any salary adjustments for instructional personnel or school administrators that occur be made only for employees with highly effective or effective performance evaluation ratings.
 - Not reduce the level of funding for the performance salary schedule in greater proportion than other salary schedules, if budget constraints limit the amount of funding that is available.
 - Require that recommendations for promotions be based primarily upon the person's demonstrated effectiveness under s. 1012.34, F.S.; i.e., performance evaluations.
- Allow any instructional personnel on continuing contract or professional service contract to opt out of the grandfathered salary schedule into the performance salary schedule if they agree to be employed on an annual contract. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

The bill creates s.1012.335, F.S., contracts with instructional personnel hired on or after July 1, 2011, to:

- Provide that instructional personnel hired on or after July 1, 2011, receive either a probationary contract, for instructional personnel new to the profession or new to the district, or an annual contract for personnel who have completed a probationary contract with the district and as if July 1, 2011, are already under an annual contract. Accordingly, no professional service contract may be awarded on or after July 1, 2011; however, personnel with a professional service contract on July 1, 2011, may retain that contract, and, if certain criteria are met, have that contract renewed. See also, CS/CS/HB 7087 passed by the Legislature on 4/28/11 and presented to the Governor.
- Provide requirements for awarding an annual or probationary contract.
- Provide just cause reasons, and process, for suspension or dismissal of instructional personnel during the term of an annual contract awarded on or after July 1, 2011.
- Require the State Board of Education to adopt rules to define the just cause reasons for suspension or dismissal.
- Clarify that individuals newly hired under this section as instructional personnel are ineligible for any contract issued under s. 1012.33, F.S.

The bill revises s. 1002.33, F.S., charter schools, to provide that the bill's provisions regarding the following are applicable to charter schools:

- Compensation and salary schedules.
- Workforce reductions.
- Contracts for instructional personnel hired on or after July 1, 2011.
- Substantive requirements for performance evaluations for instructional personnel and school administrators.

The bill revises s. 1003.621, F.S., academically high-performing school districts, to:

- Require high-performing school districts to comply with compensation and salary schedules, personnel evaluations, and employee contracts under the law.

The bill revises s. 1006.09, F.S., duties of school principal relating to student discipline and school safety, to:

- Conform language to bill's provisions; i.e., changing "incentive pay" to "performance pay."

The bill revises s. 1012.07, F.S., identification of critical teacher shortage areas, to:

- Clarify the definition of critical teacher shortage areas to align with workforce demands.

The bill revises s. 1012.2315, F.S., assignment of teachers, to:

- Require DOE to annually report by July 1, 2012, on its website, the percentage of classroom teachers, other instructional personnel, and school administrators ranking at each of the four performance ratings, aggregated by district and by school.
- Require districts to annually report to the parents of students that have a classroom teacher or school administrator that has earned two consecutive annual performance ratings of unsatisfactory; two annual performance ratings of unsatisfactory within a three-year period; and three consecutive annual performance evaluation ratings of needs improvement, or a combination of needs improvement and unsatisfactory under s. 1012.34, F.S.

The bill revises s. 1012.27, F.S., public school personnel; powers and duties of district school superintendent, to:

- Allow a principal to review a teacher's student performance records, when determining whether or not to accept the placement of the teacher in the school.

The bill revises s. 1012.28, F.S., public school personnel; duties of school principals, to:

- Allow a principal to refuse the placement or transfer of instructional personnel unless the person is rated "effective" or "highly effective."

The bill revises s. 1012.33, F.S., contracts with instructional staff, supervisors, and school principals, to:

- Include as just cause for dismissal of instructional staff holding a professional service contract, two consecutive annual performance ratings of "unsatisfactory;" two annual performance ratings of "unsatisfactory" within a 3-year period; or three consecutive annual performance ratings of needs improvement, or a combination of needs improvement and unsatisfactory.
- Remove the requirement that an existing professional service contract must be renewed when an employee receives two consecutive annual performance evaluation ratings of unsatisfactory, two evaluation ratings of unsatisfactory within a 3-years period, or 3 consecutive ratings of needs improvement or a combination of needs improvement and unsatisfactory.
- Remove expired, superseded contract language.
- Require a district, if it must implement a workforce reduction, to base the decision on employee performance as demonstrated under s. 1012.34, F.S., with primary consideration given to those

personnel within the affected area whose students' learning growth is greater. A district may not prioritize retention of employees based upon seniority.

The bill repeals s. 1012.52, F.S., teacher quality; legislative findings.

- This section provided the qualities of effective teachers which have been replaced by the Educator Accomplished Practices in s. 1012.34, F.S.

The bill revises 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Include new s. 1012.335, F.S., as reference to breach of contract.

The bill allows any district receiving an exemption under Florida's Race to the Top Memorandum of Understanding for Phase 2 to reduce the student learning growth percentage used in instructional personnel and school administrator performance evaluations from 50 percent to 40 percent and exempts the district from the revisions made to s. 1012.22(1)(c)(new compensation and salary schedules requirements). The bill also outlines additional criteria for approval of the exemptions.

The bill indicates that Chapter 2010-279, Laws of Florida, (legislative ratification) does not apply to any rulemaking required to administer this act.

The bill repeals any special act or general law of local application relating to contracts for instructional personnel or school administrators in public schools or districts in effect on or before July 1, 2011.

General Implementation Timeline:

June 1, 2011	Commissioner must approve a student learning growth formula for the FCAT.
July 1, 2011	The award- of new professional service contracts is discontinued. Districts may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators newly hired, unless the degree is held in the individual's area of certification and are only a salary supplement.
2011-2012 school year	School districts begin measuring student learning growth using the formula approved by the Commissioner for courses associated with FCAT.
July 1, 2012	DOE to report annually on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each of the 4 performance ratings, aggregated by district and by school.

Florida Department of Education

December 1, 2012	Commissioner must report to Governor, President of the Senate, and Speaker of the House the approval and implementation status of each district's evaluation system for instructional personnel and school administrators and performance evaluation results; and, by December 1 each year thereafter, the status of any evaluation system revisions and performance evaluation results.
July 1, 2014	School districts and charter schools must adopt a performance salary schedule to be used for all instructional personnel hired on or after July 1, 2014, and for personnel holding a professional service contract or continuing contract who chose to switch from the grandfathered salary schedule to the performance salary schedule.
2014-2015 school year	All school districts will administer assessments for all courses the district offers.
July 1, 2015	Phase-in of student assessment and learning growth formulas ends.
August 1, 2017	Race to the Top exemptions repealed unless reviewed and reenacted by the Legislature.