

Rule 6B-4.010 is amended to read:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) By April 3, 2006, and every second Monday in January thereafter ~~e~~Each school district shall submit its ~~the~~ instructional personnel assessment system to ~~the Division of Professional Educators of~~ the Department for approval pursuant to Section 1012.34, 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the school district has met the requirements and conditions for approval of ~~for~~ instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and this rule have been met.

(c) The assessment system shall be reviewed by the Department for inclusion of the following:

1. Criteria for annually evaluating the professional performance of all instructional personnel primarily on the basis of learning gains made by students assigned to their classroom pursuant to Section 1012.34(3), Florida Statutes, and Assessment criteria that include, at a minimum, indicators that relate to the areas of competence specified in Section 231.29(3)(a), Florida Statutes.

2. Additional criteria for annually evaluating the professional performance of all instructional personnel listed in

Section 1012.34, Florida Statutes, and the Florida Educator Accomplished Practices as prescribed in Rule 6A-5.065, FAC., in a manner consistent with Subsection (4) of this rule.

~~3.2.~~ A statement of district procedures describing reflecting methods and criteria used annually to designate, document, and differentiate unsatisfactory, satisfactory, and outstanding performance levels and all calculations used to assess instructional personnel, the results of which must:

a. Differentiate or comparatively rank the performance of all instructional personnel in the district as calculated primarily based on student learning gains in accordance with the criteria listed in subsection (4) of this rule, which performance assessment is to be determinative of a portion of each individual's regular salary compensation as provided in Section 1012.22, Florida Statutes, and

b. Designate outstanding performers in accordance with requirements listed in subsection (4) of this rule.

~~4.3.~~ Copies of assessment data collection procedures, instruments, and forms.

~~5.4.~~ A statement of the use of assessment data for instructional personnel contract decisions.

6. A professional Education Competence Demonstration System pursuant to Section 1012.56(7), Florida Statutes, based primarily on the Educator Accomplished Practices to allow beginning

teachers to meet certification requirements.

(2) ~~Initial~~ Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 1012.34, 231.29, Florida Statutes, and shall prepare and send to each school district a written notice that identifies those ~~any specific~~ deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions for instructional personnel assessment systems are met pursuant to Section 1012.34, 231.29, Florida Statutes, and ~~the provisions of this rule are met.~~

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district's assessment system fails to satisfy one or more of the requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, 231.29,

Florida Statutes, and ~~the provisions of~~ this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and ~~the provisions of~~ this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district's system designated as conditionally approved shall be designated as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and ~~the provisions of~~ this rule are not met within the time period specified by the Department in the written notice grating the conditionally approved status of the system.

(d) Assessment systems submitted for approval for the 2007-2008 school year and after must be compliant with all provisions of this rule. Assessment systems submitted for approval for the 2006-2007 school year must be compliant with all provisions, except those criteria described in paragraph (4)(b) of this rule.

(4) Criteria for Evaluating Professional Performance. The annual assessment procedures adopted by a school district shall allow it annually to differentiate or comparatively rank the performance of each individual for the purposes of assessment and

compensation. The criteria for evaluating professional performance shall be as follows:

(a) For individual evaluation of instructional personnel teaching state assessed subjects as described in Section 1008.22, Florida Statutes:

1. Professional performance must be measured on the basis of performance gains on the state assessment by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Instructional personnel, without needing to apply or take any additional action, shall be identified as having demonstrated outstanding performance if, based on their students' performance improvements on the statewide assessment, a teacher is determined by the Department to rank in the top 10 percent of elementary, middle, or high school instructional personnel statewide. The Department annually shall provide statewide results of individual performance to local school districts no later than thirty (30) days after the school grades are released. A district may designate as outstanding additional instructional personnel if the designation is based upon student performance criteria and no application or other documentation is required to qualify.

(b) For evaluation of individual instructional personnel that do not teach state assessed subjects:

1. Professional performance must be measured on the basis of improved performance on local assessments by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Each district's assessment of instructional personnel performance shall be based upon reliable external measures of student learning gains or achievement, including, but not limited to:

a. standardized exams such as advanced placement, International Baccalaureate, and others;

b. industry certification exams;

c. exams that have been developed by the district, a consortium of districts, or a professional organization that meet the psychometric standards of reliability and validity and are administered by external evaluators; or

d. other measures of performance, excluding teacher-assigned grades or classroom-level tests shall not be used to determine outstanding performance. Portfolios may only be used to determine outstanding performance for teachers of special education

students.

3. The professional performance assessment results shall be calculated in a manner sufficient to allow the district both to comparatively rank instructional personnel in (4) (b) of this rule both for the purpose of determining the performance pay component of their regular salary compensation and the purpose of identifying the top 10 percent of elementary, middle, and high school instructional personnel district-wide as having demonstrated outstanding performance.

(5) (4) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 1001.02, 1012.34 ~~229.053, 231.29~~ FS. Law Implemented 1012.22 (1) (C), 1012.34 ~~230.23 (5) (c), 231.29~~ FS. History-New 6-19-01, amended