

The amendment to Rule 6B-4.010 is amended to read:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) By June 15, 2006, ~~April 3, 2006~~ and every second Monday in January thereafter each school district shall submit changes to its instructional personnel assessment system to the Department for approval pursuant to Section 1012.34, Florida Statutes.

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

(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 improved achievement ~~learning gains~~ made by students for which they are the responsible instructor ("Improved Student Achievement "). ~~assigned to their classroom pursuant to Section 1012.34(3), Florida Statutes, and~~

2. Other approved ~~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 incorporated
~~prescribed~~ in Rule 6A-5.065, FAC., in a manner consistent with
sub-subparagraph (1)(c)3.d.Subsection (4) of this rule.

3. A statement of district procedures describing methods,
~~and criteria,~~ and calculations that are used annually to assess
and to designate, document, and differentiate all unsatisfactory,
~~satisfactory, and outstanding performance levels and all~~
~~calculations used to assess~~ instructional personnel, by
professional performance level consistent with the following:
~~the results of which must:~~

a. For all instruction personnel, the district's
performance assessment shall Differentiate or comparatively
differentiate rank the professional performance of each
individual at least by the top 10 percent and by the top quartile
based on Improved Student Achievement, so that districts may
determine a portion of regular salary compensation individually
on the basis of professional performance as required by Sections
1012.22 and 1012.34(3), Florida Statutes. A district may, for
purposes of determining an individual's professional performance
rank, take into account an unsatisfactory rating on non-Student
Achievement criteria provided in Section 1012.34 Florida
Statutes, or the Florida Educator Accomplished Practices, as
incorporated in Rule 6A-5.065 FAC, or local or state discipline
to which that individual is subject. 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. For individual evaluation of instructional personnel teaching state assessed subjects or grades as described in Section 1008.22, Florida Statutes: ~~Designate outstanding performers in accordance with requirements listed in subsection (4) of this rule.~~

(I) Insofar as individual instructional personnel have not received an unsatisfactory rating on non-Student Performance related criteria and are not subject to discipline (see sub-subparagraph (1)(c)3.d. of this rule), each district shall annually identify as having demonstrated outstanding professional performance, based on Improved Student Achievement on the statewide assessments and using the method made available under sub-sub-subparagraph (1)(c)3.b.(II) of this rule, any individual who ranks in a given year at least in the top 10 percent of elementary, middle, or high school instructional personnel statewide or districtwide, whichever is greater, or any instructional personnel who ranks in the top quartile statewide in any consecutive year after being ranked in the top 10 percent statewide in a previous year. Instructional personnel shall not

be made to apply or take any additional action to be designated as an outstanding performer by a district pursuant to this rule. Local school districts may designate additional instructional personnel beyond the top 10 percent as outstanding as long as the designation is primarily based upon Improved Student Achievement using the method made available under sub-sub-subparagraph (1)(c)3.b.(II) of this rule, and no application or additional action is required to qualify. By the end of the fiscal year, each district shall give notice annually to the Department of all instructional personnel teaching state assessed subjects or grades who are designated by that district as outstanding performers.

(II) To assist local school districts' assessment of personnel, the Department annually shall provide no later than thirty (30) days after the school grades are released, statewide teacher-specific Improved Student Achievement results for the top 10 percent and top quartile, and shall make available the objective method for each district to comparatively differentiate instructional personnel under its plan.

c. For evaluation of individual instructional personnel who do not teach state assessed subjects or grades:

(I) Insofar as individual instructional personnel have not received an unsatisfactory rating on non-Improved Student Achievement related criteria and are not subject to discipline

(as provided in sub-subparagraph (1)(c)3.d. of this rule), each district shall annually identify as having demonstrated outstanding professional performance, based on objective local assessments of Improved Student Achievement, any individual who ranks in a given year at least in the top 10 percent of elementary, middle, or high school instructional personnel districtwide. Instructional personnel shall not be made to apply or take any additional action to be designated as an outstanding performer by a district pursuant to this rule. By the end of the fiscal year, each district shall give notice annually to the Department of all instructional personnel not teaching state assessed subjects or grades who are designated by that district as outstanding performers.

(II) For purposes of sub-sub-subparagraph 1)(c)3.c.(I), the following measures shall be considered to be objective local assessments of Improved Student Achievement:

(A) standardized exams or norm-referenced tests, 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; or

(D) other measures of performance, excluding teacher-assigned grades or classroom-level tests. Portfolios may only be

used to determine outstanding performance for teachers of special education students.

d. If an individual has received an unsatisfactory rating on non-Improved Student Achievement related assessment criteria as provided by Section 1012.34, Florida Statutes, and Rule 6A-5.065, FAC, the Florida Educator Accomplished Practices, or is subject to local or state discipline, a local school district may choose not to identify that individual as an outstanding performer. The district shall identify annually to the Department all instructional personnel who have received such an unsatisfactory rating or are subject to discipline, but otherwise would have received an outstanding performance designation by the end of the fiscal year.

4. Copies of assessment data collection procedures, instruments, and forms.

5. 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) 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, Florida

Statutes, and this rule shall prepare and send to each school district a written notice that identifies those deficiencies of the system. If the Department discovers any specific deficiencies in a system, it shall prepare and send to each school district a written notice identifying those deficiencies. 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. For instructional personnel who do not teach state assessed subjects or grades, districts shall have an opportunity to transition from their existing personnel assessment policy to a policy that incorporates Improved Student Achievement factors as soon as feasible. The Department shall work with districts as requested to help develop assessment plans that will conform to this rule for instructional personnel who do not teach state assessed subjects or grades.

(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, Florida Statutes, and this rule.

(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~~ or conditions for instructional personnel assessment systems pursuant to Section 1012.34, Florida Statutes, and 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, Florida Statutes, and 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, Florida Statutes, and this rule are not met within the time period specified by the Department in the written notice granting 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.~~

(4)(5) 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 FS. Law Implemented 1012.22(1)(C), 1012.34 FS. History-New 6-19-01, Amended